

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide a complete substitute.

**IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.**

**S. 1536**

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act  
5 Amendments of 2000”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS  
ACT OF 1965

## 2

Sec. 101. Definitions.

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

Sec. 201. Functions of Assistant Secretary.

Sec. 202. Federal Council on the Aging.

Sec. 203. Evaluation.

Sec. 204. Application of other laws.

Sec. 205. Authorization of appropriations.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

Sec. 211. White House Conference.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

Sec. 301. Purpose.

Sec. 302. Authorization of appropriations.

Sec. 303. Allotment; Federal share.

Sec. 304. Area plans.

Sec. 305. State plans.

Sec. 306. Planning, coordination, evaluation, and administration of State plans.

Sec. 307. Availability of disaster relief funds to tribal organizations.

Sec. 308. Nutrition services incentive program.

Sec. 309. Consumer contributions and waivers.

Sec. 310. Supportive services and senior centers.

Sec. 311. Nutrition services.

Sec. 312. Payment requirement.

Sec. 313. In-home services and additional assistance.

Sec. 314. Definition.

Sec. 315. National Family Caregiver Support Program.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS.

Sec. 401. Projects and programs.

TITLE V—AMENDMENTS TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

Sec. 501. Amendment to Title V of the Older Americans Act of 1965.

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

Sec. 601. Eligibility.

Sec. 602. Applications.

Sec. 603. Authorization of appropriations.

Sec. 604. General provisions.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

Sec. 701. Authorization of appropriations.

Sec. 702. Allotment.  
Sec. 703. Additional State plan requirements.  
Sec. 704. State long-term care ombudsman program.  
Sec. 705. Prevention of elder abuse, neglect, and exploitation.  
Sec. 706. Assistance programs.  
Sec. 707. Native American programs.

#### TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

## **1 TITLE I—AMENDMENT TO TITLE 2 I OF THE OLDER AMERICANS 3 ACT OF 1965**

### **4 SEC. 101. DEFINITIONS.**

5 Section 102 of the Older Americans Act of 1965 (42  
6 U.S.C. 3002) is amended by adding at the end the fol-  
7 lowing:

8 “(45) The term ‘disease prevention and health  
9 promotion services’ means—

10 “(A) health risk assessments;

11 “(B) routine health screening, which may  
12 include hypertension, glaucoma, cholesterol,  
13 cancer, vision, hearing, diabetes, bone density,  
14 and nutrition screening;

15 “(C) nutritional counseling and educational  
16 services for individuals and their primary care-  
17 givers;

18 “(D) health promotion programs, including  
19 but not limited to programs relating to preven-  
20 tion and reduction of effects of chronic dis-  
21 abling conditions (including osteoporosis and

1 cardiovascular disease), alcohol and substance  
2 abuse reduction, smoking cessation, weight loss  
3 and control, and stress management;

4 “(E) programs regarding physical fitness,  
5 group exercise, and music therapy, art therapy,  
6 and dance-movement therapy, including pro-  
7 grams for multigenerational participation that  
8 are provided by—

9 “(i) an institution of higher education;

10 “(ii) a local educational agency, as de-  
11 fined in section 14101 of the Elementary  
12 and Secondary Education Act of 1965 (20  
13 U.S.C. 8801); or

14 “(iii) a community-based organization;

15 “(F) home injury control services, includ-  
16 ing screening of high-risk home environments  
17 and provision of educational programs on injury  
18 prevention (including fall and fracture preven-  
19 tion) in the home environment;

20 “(G) screening for the prevention of de-  
21 pression, coordination of community mental  
22 health services, provision of educational activi-  
23 ties, and referral to psychiatric and psycho-  
24 logical services;

1           “(H) educational programs on the avail-  
2           ability, benefits, and appropriate use of preven-  
3           tive health services covered under title XVIII of  
4           the Social Security Act (42 U.S.C. 1395 et  
5           seq.);

6           “(I) medication management screening and  
7           education to prevent incorrect medication and  
8           adverse drug reactions;

9           “(J) information concerning diagnosis, pre-  
10          vention, treatment, and rehabilitation con-  
11          cerning age-related diseases and chronic dis-  
12          abling conditions, including osteoporosis, cardio-  
13          vascular diseases, diabetes, and Alzheimer’s dis-  
14          ease and related disorders with neurological and  
15          organic brain dysfunction;

16          “(K) gerontological counseling; and

17          “(L) counseling regarding social services  
18          and followup health services based on any of  
19          the services described in subparagraphs (A)  
20          through (K).

21          The term shall not include services for which pay-  
22          ment may be made under titles XVIII and XIX of  
23          the Social Security Act (42 U.S.C. 1395 et seq.,  
24          1396 et seq.).

25          “(46) The term ‘in-home services’ includes—

1           “(A) services of homemakers and home  
2 health aides;

3           “(B) visiting and telephone reassurance;

4           “(C) chore maintenance;

5           “(D) in-home respite care for families, and  
6 adult day care as a respite service for families;

7           “(E) minor modification of homes that is  
8 necessary to facilitate the ability of older indi-  
9 viduals to remain at home and that is not avail-  
10 able under another program (other than a pro-  
11 gram carried out under this Act);

12           “(F) personal care services; and

13           “(G) other in-home services as defined—

14           “(i) by the State agency in the State  
15 plan submitted in accordance with section  
16 307; and

17           “(ii) by the area agency on aging in  
18 the area plan submitted in accordance with  
19 section 306.

20           “(47) The term ‘Native American’ means—

21           “(A) an Indian as defined in paragraph  
22 (5); and

23           “(B) a Native Hawaiian, as defined in sec-  
24 tion 625.

1           “(48) The term “domestic violence” means an  
2           act or threat of violence, not including an act of self-  
3           defense, committed—

4                   “(A) by a current or former spouse of the  
5           victim;

6                   “(B) by a person related by blood or mar-  
7           riage to the victim;

8                   “(C) by a person who is cohabiting with or  
9           has cohabited with the victim;

10                  “(D) by a person with whom the victim  
11           shares a child in common;

12                  “(E) by a person who is or has been in the  
13           social relationship of a romantic or intimate na-  
14           ture with the victim; or

15                  “(F) by a person similarly situated to a  
16           spouse of the victim, or by any other person, if  
17           the domestic or family violence laws of the ju-  
18           risdiction of the victim provide for legal protec-  
19           tion of the victim from the person.

20           “(49) The term “sexual assault” has the mean-  
21           ing given the term in section 2003 of the Omnibus  
22           Crime Control and Safe Streets Act of 1968 (42  
23           U.S.C. 3796gg-2).”.

1 **TITLE II—AMENDMENTS TO**  
2 **TITLE II OF THE OLDER**  
3 **AMERICANS ACT OF 1965 AND**  
4 **THE OLDER AMERICANS ACT**  
5 **AMENDMENTS OF 1987**

6 **Subtitle A—Amendments to Title II**  
7 **of the Older Americans Act of 1965**

8 **SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.**

9 Section 202 of the Older Americans Act of 1965 (42  
10 U.S.C. 3012) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (21)(B), by striking  
13 “1990” and inserting “2000”;

14 (B) by striking paragraph (24) and insert-  
15 ing the following:

16 “(24) establish information and assistance serv-  
17 ices as priority services for older individuals, and de-  
18 velop and operate, either directly or through con-  
19 tracts, grants, or cooperative agreements, a National  
20 Eldercare Locator Service, providing information  
21 and assistance services through a nationwide toll-  
22 free number to identify community resources for  
23 older individuals;” and

24 (C) by striking paragraph (27) and insert-  
25 ing the following:

1           “(27) establish and carry out pension coun-  
2           seling and information programs described in section  
3           215;” and

4           (2) by adding at the end the following:

5           “(f)(1) The Assistant Secretary, in accordance with  
6           the process described in paragraph (2), and in collabora-  
7           tion with a representative group of State agencies, tribal  
8           organizations, area agencies on aging, and providers of  
9           services involved in the performance outcome measures  
10          shall develop and publish by December 31, 2001, a set  
11          of performance outcome measures for planning, managing,  
12          and evaluating activities performed and services provided  
13          under this Act. To the maximum extent possible, the As-  
14          sistant Secretary shall use data currently collected (as of  
15          the date of development of the measures) by State agen-  
16          cies, area agencies on aging, and service providers through  
17          the National Aging Program Information System and  
18          other applicable sources of information in developing such  
19          measures.

20          “(2) The process for developing the performance out-  
21          come measures described in paragraph (1) shall include—

22               “(A) a review of such measures currently in use  
23               by State agencies and area agencies on aging (as of  
24               the date of the review);

1           “(B) development of a proposed set of such  
2           measures that provides information about the major  
3           activities performed and services provided under this  
4           Act;

5           “(C) pilot testing of the proposed set of such  
6           measures, including an identification of resource, in-  
7           frastructure, and data collection issues at the State  
8           and local levels; and

9           “(D) evaluation of the pilot test and rec-  
10          ommendations for modification of the proposed set  
11          of such measures.”.

12 **SEC. 202. FEDERAL COUNCIL ON THE AGING.**

13          Title II of the Older Americans Act of 1965 (42  
14          U.S.C. 3011 et seq.) is amended—

15               (1) by striking section 204 and inserting the  
16          following:

17 **“SEC. 204. GIFTS AND DONATIONS.**

18          “(a) GIFTS AND DONATIONS.—The Assistant Sec-  
19          retary may accept, use, and dispose of, on behalf of the  
20          United States, gifts or donations (in cash or in kind, in-  
21          cluding voluntary and uncompensated services or prop-  
22          erty), which shall be available until expended for the pur-  
23          poses specified in subsection (b). Gifts of cash and pro-  
24          ceeds of the sale of property shall be available in addition  
25          to amounts appropriated to carry out this Act.

1       “(b) USE OF GIFTS AND DONATIONS.—Gifts and do-  
2 nations accepted pursuant to subsection (a) may be used  
3 either directly, or for grants to or contracts with public  
4 or nonprofit private entities, for the following activities:

5           “(1) The design and implementation of dem-  
6 onstrations of innovative ideas and best practices in  
7 programs and services for older individuals.

8           “(2) The planning and conduct of conferences  
9 for the purpose of exchanging information, among  
10 concerned individuals and public and private entities  
11 and organizations, relating to programs and services  
12 provided under this Act and other programs and  
13 services for older individuals.

14           “(3) The development, publication, and dissemi-  
15 nation of informational materials (in print, visual,  
16 electronic, or other media) relating to the programs  
17 and services provided under this Act and other mat-  
18 ters of concern to older individuals.

19       “(c) ETHICS GUIDELINES.—The Assistant Secretary  
20 shall establish written guidelines setting forth the criteria  
21 to be used in determining whether a gift or donation  
22 should be declined under this section because the accept-  
23 ance of the gift or donation would—

24           “(1) reflect unfavorably upon the ability of the  
25 Administration, the Department of Health and

1 Human Services, or any employee of the Administra-  
2 tion or Department, to carry out responsibilities or  
3 official duties under this Act in a fair and objective  
4 manner; or

5 “(2) compromise the integrity or the appear-  
6 ance of integrity of programs or services provided  
7 under this Act or of any official involved in those  
8 programs or services.”;

9 (2) by redesignating section 215 as section 216;  
10 and

11 (3) by inserting after section 214 the following:

12 **“SEC. 215. PENSION COUNSELING AND INFORMATION PRO-**  
13 **GRAMS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) PENSION AND OTHER RETIREMENT BENE-  
16 FITS.—The term ‘pension and other retirement ben-  
17 efits’ means private, civil service, and other public  
18 pensions and retirement benefits, including benefits  
19 provided under—

20 “(A) the Social Security program under  
21 title II of the Social Security Act (42 U.S.C.  
22 401 et seq.);

23 “(B) the railroad retirement program  
24 under the Railroad Retirement Act of 1974 (45  
25 U.S.C. 231 et seq.);

1           “(C) the government retirement benefits  
2           programs under the Civil Service Retirement  
3           System set forth in chapter 83 of title 5,  
4           United States Code, the Federal Employees Re-  
5           tirement System set forth in chapter 84 of title  
6           5, United States Code, or other Federal retire-  
7           ment systems; or

8           “(D) the Employee Retirement Income Se-  
9           curity Act of 1974 (29 U.S.C. 1001 et seq.).

10          “(2) PENSION COUNSELING AND INFORMATION  
11          PROGRAM.—The term ‘pension counseling and infor-  
12          mation program’ means a program described in sub-  
13          section (b).

14          “(b) PROGRAM AUTHORIZED.—The Assistant Sec-  
15          retary shall award grants to eligible entities to establish  
16          and carry out pension counseling and information pro-  
17          grams that create or continue a sufficient number of pen-  
18          sion assistance and counseling programs to provide out-  
19          reach, information, counseling, referral, and other assist-  
20          ance regarding pension and other retirement benefits, and  
21          rights related to such benefits, to individuals in the United  
22          States.

23          “(c) ELIGIBLE ENTITIES.—The Assistant Secretary  
24          shall award grants under this section to—

1           “(1) State agencies or area agencies on aging;  
2           and

3           “(2) nonprofit organizations with a proven  
4           record of providing—

5                   “(A) services related to retirement of older  
6           individuals;

7                   “(B) services to Native Americans; or

8                   “(C) specific pension counseling.

9           “(d) CITIZEN ADVISORY PANEL.—The Assistant Sec-  
10   retary shall establish a citizen advisory panel to advise the  
11   Assistant Secretary regarding which entities should re-  
12   ceive grant awards under this section. Such panel shall  
13   include representatives of business, labor, national senior  
14   advocates, and national pension rights advocates. The As-  
15   sistant Secretary shall consult such panel prior to award-  
16   ing grants under this section.

17           “(e) APPLICATION.—To be eligible to receive a grant  
18   under this section, an entity shall submit an application  
19   to the Assistant Secretary at such time, in such manner,  
20   and containing such information as the Assistant Sec-  
21   retary may require, including—

22                   “(1) a plan to establish a pension counseling  
23           and information program that—

1           “(A) establishes or continues a State or  
2           area pension counseling and information pro-  
3           gram;

4           “(B) serves a specific geographic area;

5           “(C) provides counseling (including direct  
6           counseling and assistance to individuals who  
7           need information regarding pension and other  
8           retirement benefits) and information that may  
9           assist individuals in obtaining, or establishing  
10          rights to, and filing claims or complaints re-  
11          garding, pension and other retirement benefits;

12          “(D) provides information on sources of  
13          pension and other retirement benefits;

14          “(E) establishes a system to make refer-  
15          rals for legal services and other advocacy pro-  
16          grams;

17          “(F) establishes a system of referral to  
18          Federal, State, and local departments or agen-  
19          cies related to pension and other retirement  
20          benefits;

21          “(G) provides a sufficient number of staff  
22          positions (including volunteer positions) to en-  
23          sure information, counseling, referral, and as-  
24          sistance regarding pension and other retirement  
25          benefits;

1           “(H) provides training programs for staff  
2           members, including volunteer staff members, of  
3           pension and other retirement benefits programs;

4           “(I) makes recommendations to the Ad-  
5           ministration, the Department of Labor and  
6           other Federal, State and local agencies con-  
7           cerning issues for older individuals related to  
8           pension and other retirement benefits; and

9           “(J) establishes or continues an outreach  
10          program to provide information, counseling, re-  
11          ferral and assistance regarding pension and  
12          other retirement benefits, with particular em-  
13          phasis on outreach to women, minorities and  
14          low income retirees; and

15          “(2) an assurance that staff members (includ-  
16          ing volunteer staff members) have no conflict of in-  
17          terest in providing the services described in the plan  
18          described in paragraph (1).

19          “(f) CRITERIA.—The Assistant Secretary shall con-  
20          sider the following criteria in awarding grants under this  
21          section:

22                 “(1) Evidence of a commitment by the entity to  
23          carry out a proposed pension counseling and infor-  
24          mation program.

1           “(2) The ability of the entity to perform effec-  
2           tive outreach to affected populations, particularly  
3           populations that are identified in need of special out-  
4           reach.

5           “(3) Reliable information that the population to  
6           be served by the entity has a demonstrable need for  
7           the services proposed to be provided under the pro-  
8           gram.

9           “(4) The ability of the entity to provide services  
10          under the program on a statewide or regional basis.

11          “(g) TRAINING AND TECHNICAL ASSISTANCE PRO-  
12          GRAM.—

13                 “(1) IN GENERAL.—The Assistant Sec-  
14                 retary shall award grants to eligible entities to  
15                 establish training and technical assistance pro-  
16                 grams that shall provide information and tech-  
17                 nical assistance to the staffs of entities oper-  
18                 ating pension counseling and information pro-  
19                 grams described in subsection (b), and general  
20                 assistance to such entities, including assistance  
21                 in the design of program evaluation tools.

22                 “(2) ELIGIBLE ENTITIES.—Entities that  
23                 are eligible to receive a grant under this sub-  
24                 section include nonprofit private organizations  
25                 with a record of providing national information,

1 referral, and advocacy in matters related to  
2 pension and other retirement benefits.

3 “(3) APPLICATION.—To be eligible to re-  
4 ceive a grant under this subsection, an entity  
5 shall submit an application to the Assistant  
6 Secretary at such time, in such manner, and  
7 containing such information as the Assistant  
8 Secretary may require.

9 “(h) PENSION ASSISTANCE HOTLINE AND  
10 INTRAGENCY COORDINATION.—

11 “(1) HOTLINE.—The Assistant Secretary shall  
12 enter into agreements with other Federal agencies to  
13 establish and administer a national telephone hotline  
14 that shall provide information regarding pension and  
15 other retirement benefits, and rights related to such  
16 benefits.

17 “(2) CONTENT.—Such hotline described in  
18 paragraph (1) shall provide information for individ-  
19 uals seeking outreach, information, counseling, refer-  
20 ral, and assistance regarding pension and other re-  
21 tirement benefits, and rights related to such bene-  
22 fits.

23 “(3) AGREEMENTS.—The Assistant Secretary  
24 may enter into agreements with the Secretary of  
25 Labor and the heads of other Federal agencies that

1 regulate the provision of pension and other retire-  
2 ment benefits in order to carry out this subsection.

3 “(i) REPORT TO CONGRESS.—Not later than 30  
4 months after the date of the enactment of this section,  
5 the Assistant Secretary shall submit to the Committee on  
6 Education and the Workforce of the House of Representa-  
7 tives and the Committee on Health, Education, Labor and  
8 Pensions of the Senate a report that—

9 “(1) summarizes the distribution of funds au-  
10 thorized for grants under this section and the ex-  
11 penditure of such funds;

12 “(2) summarizes the scope and content of train-  
13 ing and assistance provided under a program carried  
14 out under this section and the degree to which the  
15 training and assistance can be replicated;

16 “(3) outlines the problems that individuals par-  
17 ticipating in programs funded under this section en-  
18 countered concerning rights related to pension and  
19 other retirement benefits; and

20 “(4) makes recommendations regarding the  
21 manner in which services provided in programs  
22 funded under this section can be incorporated into  
23 the ongoing programs of State agencies, area agen-  
24 cies on aging, multipurpose senior centers and other  
25 similar entities.

1       “(j) ADMINISTRATIVE EXPENSES.—Of the funds ap-  
2       propriated under section 216 to carry out this section for  
3       a fiscal year, not more than \$100,000 may be used by  
4       the Administration for administrative expenses.”.

5       **SEC. 203. EVALUATION.**

6       Section 206 of the Older Americans Act of 1965 (42  
7       U.S.C. 3017) is amended—

8               (1) by striking subsection (g); and

9               (2) by redesignating subsection (h) as sub-  
10       section (g).

11       **SEC. 204. APPLICATION OF OTHER LAWS.**

12       Section 210 of the Older Americans Act of 1965 (42  
13       U.S.C. 3020a) is amended by adding at the end the fol-  
14       lowing:

15       “(c) A service or benefit provided under this Act is  
16       not a Federal public benefit within the meaning of that  
17       term under section 401(c) of the Personal Responsibility  
18       and Work Opportunity Reconciliation Act of 1996 (8  
19       U.S.C. 1611(c)).”.

20       **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

21       Section 216 of the Older Americans Act of 1965 (42  
22       U.S.C. 3020f) (as redesignated by section 202) is  
23       amended—

24               (1) in subsection (a)—

1 (A) by striking “(a) ADMINISTRATION.—”  
2 and inserting “(a) IN GENERAL.—”; and

3 (B) by striking “such sums” and all that  
4 follows through the period and inserting  
5 “\$29,000,000 for fiscal year 2001, and such  
6 sums as may be necessary for each of the 4  
7 succeeding fiscal years for administration, sala-  
8 ries, and expenses of the Administration.”; and  
9 (2) by striking subsection (b) and inserting the  
10 following:

11 “(b) ELDERCARE LOCATOR SERVICE.—There are au-  
12 thorized to be appropriated to carry out section  
13 202(a)(24) (relating to the National Eldercare Locator  
14 Service) \$1,000,000 for fiscal year 2001, and such sums  
15 as may be necessary for each of the 4 succeeding fiscal  
16 years.

17 “(c) PENSION COUNSELING AND INFORMATION PRO-  
18 GRAMS.—There are authorized to be appropriated to carry  
19 out section 215, such sums as may be necessary for fiscal  
20 year 2001 and for each of the 4 succeeding fiscal years.”.

1 **Subtitle B—Amendments to the**  
2 **Older Americans Act Amend-**  
3 **ments of 1987**

4 **SEC. 211. WHITE HOUSE CONFERENCE.**

5 Title II of the Older Americans Act Amendments of  
6 1987 (42 U.S.C. 3001 note) is amended—

7 (1) by striking section 201;

8 (2) by redesignating sections 202, 203, 204,  
9 205, 206, and 207, as sections 201, 202, 203, 204,  
10 205, and 206, respectively;

11 (3) in section 201 (as redesignated by para-  
12 graph (2))—

13 (A) by striking subsections (a), (b), and (c)  
14 and inserting the following:

15 “(a) **AUTHORITY TO CALL CONFERENCE.**—Not later  
16 than December 31, 2005, the President shall convene the  
17 White House Conference on Aging in order to fulfill the  
18 purpose set forth in subsection (c) and to make funda-  
19 mental policy recommendations regarding programs that  
20 are important to older individuals and to the families and  
21 communities of such individuals.

22 “(b) **PLANNING AND DIRECTION.**—The Conference  
23 described in subsection (a) shall be planned and conducted  
24 under the direction of the Secretary, in cooperation with  
25 the Assistant Secretary for Aging, the Director of the Na-

1 tional Institute on Aging, the Administrator of the Health  
2 Care Financing Administration, the Social Security Ad-  
3 ministrator, and the heads of such other Federal agencies  
4 serving older individuals as are appropriate. Planning and  
5 conducting the Conference includes the assignment of per-  
6 sonnel.

7 “(c) PURPOSE.—The purpose of the Conference de-  
8 scribed in subsection (a) shall be to gather individuals rep-  
9 resenting the spectrum of thought and experience in the  
10 field of aging to—

11 “(1) evaluate the manner in which the objec-  
12 tives of this Act can be met by using the resources  
13 and talents of older individuals, of families and com-  
14 munities of such individuals, and of individuals from  
15 the public and private sectors;

16 “(2) evaluate the manner in which national  
17 policies that are related to economic security and  
18 health care are prepared so that such policies serve  
19 individuals born from 1946 to 1961 and later, as the  
20 individuals become older individuals, including an  
21 examination of the Social Security, medicare, and  
22 medicaid programs carried out under titles II,  
23 XVIII, and XIX of the Social Security Act (42  
24 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.)  
25 in relation to providing services under this Act, and

1 determine how well such policies respond to the  
2 needs of older individuals; and

3 “(3) develop 50 recommendations to guide the  
4 President, Congress, and Federal agencies in serving  
5 older individuals.”; and

6 (B) in subsection (d)(2), by striking “and  
7 individuals from low-income families.” and in-  
8 serting “individuals from low-income families,  
9 representatives of Federal, State, and local gov-  
10 ernments, and individuals from rural areas. A  
11 majority of such delegates shall be age 55 or  
12 older.”;

13 (4) in section 202 (as redesignated by para-  
14 graph (2))—

15 (A) in subsection (a)—

16 (i) by striking paragraph (3); and

17 (ii) by redesignating paragraphs (4),  
18 (5), and (6) as paragraphs (3), (4), and  
19 (5), respectively;

20 (B) in subsection (b)—

21 (i) by striking paragraph (1);

22 (ii) by redesignating paragraphs (2),  
23 (3), (4), and (5) as paragraphs (1), (2),  
24 (3), and (4) respectively;

1 (iii) in paragraph (1) (as redesignated  
2 by clause (ii))—

3 (I) by striking “subsection  
4 (a)(4)” and inserting “subsection  
5 (a)(3)”; and

6 (II) by striking “regarding such  
7 agenda,” and inserting “regarding  
8 such agenda, and”; and

9 (iv) in paragraph (2) (as redesignated  
10 by clause (ii)), by striking “subsection  
11 (a)(6)” and inserting “subsection (a)(5)”;  
12 and

13 (C) in subsection (c), by adding at the end  
14 “Gifts may be earmarked by the donor or the  
15 executive committee for a specific purpose.”;

16 (5) in section 203(a) (as redesignated by para-  
17 graph (2))—

18 (A) by striking paragraph (1) and insert-  
19 ing the following:

20 “(1) ESTABLISHMENT.—There is established a  
21 Policy Committee comprised of 17 members to be se-  
22 lected, not later than 2 years prior to the date on  
23 which the Conference convenes, as follows:

1           “(A) PRESIDENTIAL APPOINTEES.—Nine  
2 members shall be selected by the President and  
3 shall include—

4                 “(i) 3 members who are officers or  
5 employees of the United States; and

6                 “(ii) 6 members with experience in the  
7 field of aging, including providers and con-  
8 sumers of aging services.

9           “(B) HOUSE APPOINTEES.—Two members  
10 shall be selected by the Speaker of the House  
11 of Representatives, after consultation with the  
12 Committee on Education and the Workforce  
13 and the Committee on Ways and Means of the  
14 House of Representatives, and 2 members shall  
15 be selected by the Minority Leader of the  
16 House of Representatives, after consultation  
17 with such committees.

18           “(C) SENATE APPOINTEES.—Two mem-  
19 bers shall be selected by the Majority Leader of  
20 the Senate, after consultation with members of  
21 the Committee on Health, Education, Labor,  
22 and Pensions and the Special Committee on  
23 Aging of the Senate, and 2 members shall be  
24 selected by the Minority Leader of the Senate,

1 after consultation with members of such com-  
2 mittees.”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (B), by striking  
5 “Committee” and inserting “Committee  
6 for the Secretary”; and

7 (ii) by striking subparagraphs (D)  
8 and (E) and inserting the following:

9 “(D) establish the number of delegates to  
10 be selected under section 201(d)(2);

11 “(E) establish an executive committee con-  
12 sisting of 3 to 5 members, with a majority of  
13 such members being age 55 or older, to work  
14 with Conference staff; and

15 “(F) establish other committees as needed  
16 that have a majority of members who are age  
17 60 or older.”; and

18 (C) by striking paragraph (3) and insert-  
19 ing the following:

20 “(3) VOTING; CHAIRPERSON.—

21 “(A) VOTING.—The Policy Committee  
22 shall act by the vote of a majority of the mem-  
23 bers present. A quorum of Committee members  
24 shall not be required to conduct Committee  
25 business.

1                   “(B) CHAIRPERSON.—The President shall  
2                   select the chairperson from among the members  
3                   of the Policy Committee. The chairperson may  
4                   vote only to break a tie vote of the other mem-  
5                   bers of the Policy Committee.”;

6 (6) by striking section 204 (as redesignated by  
7 paragraph (2)) and inserting the following:

## 8 "SEC. 204. REPORT OF THE CONFERENCE.

9           “(a) PRELIMINARY REPORT.—Not later than 100  
10 days after the date on which the Conference adjourns, the  
11 Policy Committee shall publish and deliver to the chief ex-  
12 ecutive officers of the States a preliminary report on the  
13 Conference. Comments on the preliminary report of the  
14 Conference shall be accepted by the Policy Committee.

15           “(b) FINAL REPORT.—Not later than 6 months after  
16 the date on which the Conference adjourns, the Policy  
17 Committee shall publish and transmit to the President and  
18 to Congress recommendations resulting from the Con-  
19 ference and suggestions for any administrative action and  
20 legislation necessary to implement the recommendations  
21 contained within the report.”; and

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking para-  
graph (1) and inserting the following:

1           “(1) IN GENERAL.—There are authorized to be  
2       appropriated to carry out this section—

3           “(A) \$1,000,000 for the first fiscal year in  
4       which the Policy Committee plans the Con-  
5       ference and for the following fiscal year; and

6           “(B) \$3,000,000 for the fiscal year in  
7       which the Conference is held.”; and

8           (B) in subsection (b)—

9           (i) in paragraph (1), by striking “sec-  
10       tion 203(c)” and inserting “section  
11       202(c)”;

12          (ii) in paragraph (3), by striking “De-  
13       cember 31, 1995” and inserting “Decem-  
14       ber 31, 2005”.

15   **TITLE    III—AMENDMENTS    TO**  
16       **TITLE    III    OF    THE    OLDER**  
17       **AMERICANS ACT OF 1965**

18   **SEC. 301. PURPOSE.**

19       Section 301 of the Older Americans Act of 1965 (42  
20   U.S.C. 3021) is amended by adding at the end the fol-  
21   lowing:

22       “(d)(1) Any funds received under an allotment as de-  
23   scribed in section 304(a), or funds contributed toward the  
24   non-Federal share under section 304(d), shall be used only

1 for activities and services to benefit older individuals and  
2 other individuals as specifically provided for in this title.

3 “(2) No provision of this title shall be construed as  
4 prohibiting a State agency or area agency on aging from  
5 providing services by using funds from sources not de-  
6 scribed in paragraph (1).”.

7 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 303 of the Older Americans Act of 1965 (42  
9 U.S.C 3023) is amended—

10 (1) by striking subsection (a)(1) and inserting  
11 the following:

12 “(a)(1) There are authorized to be appropriated to  
13 carry out part B (relating to supportive services)  
14 \$506,764,000 for fiscal year 2001, and such sums as may  
15 be necessary for each of the 4 succeeding fiscal years.”;

16 (2) by striking subsection (b) and inserting the  
17 following:

18 “(b)(1) There are authorized to be appropriated to  
19 carry out subpart 1 of part C (relating to congregate nu-  
20 trition services) \$505,000,000 for fiscal year 2001, and  
21 such sums as may be necessary for each of the 4 suc-  
22 ceeding fiscal years.

23 “(2) There are authorized to be appropriated to carry  
24 out subpart 2 of part C (relating to home delivered nutri-  
25 tion services) \$200,000,000 for fiscal year 2001, and such

1 sums as may be necessary for each of the 4 succeeding  
2 fiscal years.”; and

3 (3) by striking subsections (d) through (g) and  
4 inserting the following:

5 “(d) There are authorized to be appropriated to carry  
6 out part D (relating to disease prevention and health pro-  
7 motion services) \$25,000,000 for fiscal year 2001, and  
8 such sums as may be necessary for each of the 4 suc-  
9 ceeding fiscal years.

10 “(e)(1) There are authorized to be appropriated to  
11 carry out part E (relating to family caregiver support)  
12 \$125,000,000 for fiscal year 2001, and such sums as may  
13 be necessary for each of the 4 succeeding fiscal years.

14 “(2) Of the funds appropriated under paragraph  
15 (1)—

16 “(A) 4 percent of such funds shall be reserved  
17 to carry out activities described in section 375; and

18 “(B) 1 percent of such funds shall be reserved  
19 to carry out activities described in section 376.”.

20 **SEC. 303. ALLOTMENT; FEDERAL SHARE.**

21 (a) IN GENERAL.—Section 304(a) of the Older Amer-  
22 icans Act of 1965 (42 U.S.C. 3024(a)) is amended—

23 (1) in paragraph (1)—

24 (A) in the first sentence, in the matter pre-  
25 ceding subparagraph (A), by striking “Subject

1 to paragraphs (2) and (3)” and inserting “Sub-  
2 ject to paragraph (2),”; and

3 (B) in the last sentence, by striking “For  
4 the purposes of paragraph (3) and the excep-  
5 tion” and inserting “For the purposes of the  
6 exception”;

7 (2) in paragraph (2), by striking “1987” and  
8 inserting “2000”; and

9 (3) by striking paragraph (3) and inserting the  
10 following:

11 “(3) In determining the amount allotted to a State  
12 from the sums appropriated under section 303 for a fiscal  
13 year, the Assistant Secretary shall first determine the  
14 amount allotted to such State under paragraph (1) and  
15 then adjust such amount, if necessary, to meet the re-  
16 quirements of paragraph (2).”.

17 (b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—  
18 Section 304(b) of the Older Americans Act of 1965 (42  
19 U.S.C. 3024(b)) is amended in the first sentence by strik-  
20 ing “part B or C” and inserting “part B or C, or subpart  
21 1 of part E,”.

22 **SEC. 304. AREA PLANS.**

23 (a) IN GENERAL.—Section 306(a) of the Older Amer-  
24 icans Act of 1965 (42 U.S.C. 3026(a)) is amended—

25 (1) in paragraph (2)—

1 (A) in the matter preceding subparagraph  
2 (A), by striking “section 307(a)(22)” and in-  
3 serting “section 307(a)(2)”;

4 (B) in subparagraph (B), by striking  
5 “services (homemaker” and all that follows  
6 through “maintenance, and” and inserting  
7 “services, including”; and

8 (C) in the matter following subparagraph  
9 (C), by striking “and specify annually in such  
10 plan, as submitted or as amended,” and insert-  
11 ing “and assurances that the area agency on  
12 aging will report annually to the State agency”;

13 (2) in paragraph (3)(A), by striking “paragraph  
14 (6)(E)(ii)” and inserting “paragraph (6)(C)”;

15 (3)(A) by striking paragraph (4); and

16 (B) by redesignating paragraph (5) as para-  
17 graph (4);

18 (4) by inserting after paragraph (4) (as redesign-  
19 ated by paragraph (3)) the following:

20 “(5) provide assurances that the area agency on  
21 aging will coordinate planning, identification, assess-  
22 ment of needs, and provision of services for older in-  
23 dividuals with disabilities, with particular attention  
24 to individuals with severe disabilities, with agencies

1 that develop or provide services for individuals with  
2 disabilities;”;

3 (5) in paragraph (6)—

4 (A) by striking subparagraphs (A), (B),  
5 (G), (I), (J), (K), (L), (O), (P), (Q), (R), and  
6 (S);

7 (B) by redesignating subparagraphs (C),  
8 (D), (E), (F), (H), (M), and (N), as subpara-  
9 graphs (A), (B), (C), (D), (E), (F), and (G),  
10 respectively;

11 (C) in subparagraph (C) (as redesignated  
12 by subparagraph (B)), by striking “or adults”  
13 and inserting “, assistance to older individuals  
14 caring for relatives who are children”; and

15 (D) in subparagraph (F) (as redesignated  
16 by subparagraph (B)), by adding “and” after  
17 the semicolon;

18 (6) by striking paragraphs (7) through (13)  
19 and inserting the following:

20 “(7) provide that the area agency on aging will  
21 facilitate the coordination of community-based, long-  
22 term care services designed to enable older individ-  
23 uals to remain in their homes, by means including—

24 “(A) development of case management  
25 services as a component of the long-term care

1 services, consistent with the requirements of  
2 paragraph (8);

3 “(B) involvement of long-term care pro-  
4 viders in the coordination of such services; and

5 “(C) increasing community awareness of  
6 and involvement in addressing the needs of resi-  
7 dents of long-term care facilities;

8 “(8) provide that case management services  
9 provided under this title through the area agency on  
10 aging will—

11 “(A) not duplicate case management serv-  
12 ices provided through other Federal and State  
13 programs;

14 “(B) be coordinated with services described  
15 in subparagraph (A); and

16 “(C) be provided by a public agency or a  
17 nonprofit private agency that—

18 “(i) gives each older individual seek-  
19 ing services under this title a list of agen-  
20 cies that provide similar services within the  
21 jurisdiction of the area agency on aging;

22 “(ii) gives each individual described in  
23 clause (i) a statement specifying that the  
24 individual has a right to make an inde-  
25 pendent choice of service providers and

1 documents receipt by such individual of  
2 such statement;

3 “(iii) has case managers acting as  
4 agents for the individuals receiving the  
5 services and not as promoters for the agen-  
6 cy providing such services; or

7 “(iv) is located in a rural area and ob-  
8 tains a waiver of the requirements de-  
9 scribed in clauses (i) through (iii);

10 “(9) provide assurances that the area agency on  
11 aging, in carrying out the State Long-Term Care  
12 Ombudsman program under section 307(a)(9), will  
13 expend not less than the total amount of funds ap-  
14 propriated under this Act and expended by the agen-  
15 cy in fiscal year 2000 in carrying out such a pro-  
16 gram under this title;

17 “(10) provide a grievance procedure for older  
18 individuals who are dissatisfied with or denied serv-  
19 ices under this title;

20 “(11) provide information and assurances con-  
21 cerning services to older individuals who are Native  
22 Americans (referred to in this paragraph as ‘older  
23 Native Americans’), including—

24 “(A) information concerning whether there  
25 is a significant population of older Native

1 Americans in the planning and service area and  
2 if so, an assurance that the area agency on  
3 aging will pursue activities, including outreach,  
4 to increase access of those older Native Ameri-  
5 cans to programs and benefits provided under  
6 this title;

7 “(B) an assurance that the area agency on  
8 aging will, to the maximum extent practicable,  
9 coordinate the services the agency provides  
10 under this title with services provided under  
11 title VI; and

12 “(C) an assurance that the area agency on  
13 aging will make services under the area plan  
14 available, to the same extent as such services  
15 are available to older individuals within the  
16 planning and service area, to older Native  
17 Americans; and

18 “(12) provide that the area agency on aging  
19 will establish procedures for coordination of services  
20 with entities conducting other Federal or federally  
21 assisted programs for older individuals at the local  
22 level, with particular emphasis on entities conducting  
23 programs described in section 203(b) within the  
24 planning and service area.”;

1           (7) by redesignating paragraph (14) as para-  
2       graph (13);

3           (8) by inserting after paragraph (13) (as redes-  
4       ignated by paragraph (7)) the following:

5           “(14) provide assurances that funds received  
6       under this title will not be used to pay any part of  
7       a cost (including an administrative cost) incurred by  
8       the area agency on aging to carry out a contract or  
9       commercial relationship that is not carried out to  
10      implement this title; and

11          “(15) provide assurances that preference in re-  
12      ceiving services under this title will not be given by  
13      the area agency on aging to particular older individ-  
14      uals as a result of a contract or commercial relation-  
15      ship that is not carried out to implement this title.”;  
16      and

17          (9) by striking paragraphs (17) through (20).

18      (b) WAIVERS.—Section 306(b) of the Older Ameri-  
19      cans Act of 1965 (42 U.S.C. 3026(b)) is amended—

20          (1) in paragraph (1), by striking “(1)”; and

21          (2) by striking paragraph (2).

22      **SEC. 305. STATE PLANS.**

23      Section 307(a) of the Older Americans Act of 1965  
24      (42 U.S.C. 3027(a)) is amended—

1           (1) by striking paragraphs (1) through (5) and  
2       inserting the following:

3           “(1) The plan shall—

4                 “(A) require each area agency on aging  
5       designated under section 305(a)(2)(A) to de-  
6       velop and submit to the State agency for ap-  
7       proval, in accordance with a uniform format de-  
8       veloped by the State agency, an area plan meet-  
9       ing the requirements of section 306; and

10                “(B) be based on such area plans.

11           “(2) The plan shall provide that the State agen-  
12       cy will—

13                “(A) evaluate, using uniform procedures  
14       described in section 202(a)(29), the need for  
15       supportive services (including legal assistance  
16       pursuant to 307(a)(11), information and assist-  
17       ance, and transportation services), nutrition  
18       services, and multipurpose senior centers within  
19       the State;

20                “(B) develop a standardized process to de-  
21       termine the extent to which public or private  
22       programs and resources (including volunteers  
23       and programs and services of voluntary organi-  
24       zations) that have the capacity and actually  
25       meet such need; and

1           “(C) specify a minimum proportion of the  
2 funds received by each area agency on aging in  
3 the State to carry out part B that will be ex-  
4 pended (in the absence of a waiver under sec-  
5 tions 306(b) or 316 by such area agency on  
6 aging to provide each of the categories of serv-  
7 ices specified in section 306(a)(2).

8           “(3) The plan shall—

9           “(A) include (and may not be approved un-  
10 less the Assistant Secretary approves) the state-  
11 ment and demonstration required by para-  
12 graphs (2) and (4) of section 305(d) (con-  
13 cerning intrastate distribution of funds); and

14           “(B) with respect to services for older indi-  
15 viduals residing in rural areas—

16           “(i) provide assurances that the State  
17 agency will spend for each fiscal year, not  
18 less than the amount expended for such  
19 services for fiscal year 2000;

20           “(ii) identify, for each fiscal year to  
21 which the plan applies, the projected costs  
22 of providing such services (including the  
23 cost of providing access to such services);  
24 and

1                   “(iii) describe the methods used to  
2                   meet the needs for such services in the fis-  
3                   cal year preceding the first year to which  
4                   such plan applies.

5                   “(4) The plan shall provide that the State agen-  
6                   cy will conduct periodic evaluations of, and public  
7                   hearings on, activities and projects carried out in the  
8                   State under this title and title VII, including evalua-  
9                   tions of the effectiveness of services provided to indi-  
10                  viduals with greatest economic need, greatest social  
11                  need, or disabilities, with particular attention to low-  
12                  income minority individuals.

13                  “(5) The plan shall provide that the State agen-  
14                  cy will—

15                         “(A) afford an opportunity for a public  
16                         hearing upon request, in accordance with pub-  
17                         lished procedures, to any area agency on aging  
18                         submitting a plan under this title, to any pro-  
19                         vider of (or applicant to provide) services, or  
20                         any recipient of services under such a plan; and

21                         “(B) issue guidelines applicable to griev-  
22                         ance procedures required by section  
23                         306(a)(10).”;

24                         (2) in paragraph (7), by striking subparagraph  
25                         (C);

1           (3) by striking paragraphs (8) and (9) and in-  
2       serting the following:

3           “(8)(A) The plan shall provide that no sup-  
4       portive services, nutrition services, or in-home serv-  
5       ices will be directly provided by the State agency or  
6       an area agency on aging in the State, unless, in the  
7       judgment of the State agency—

8           “(i) provision of such services by the State  
9       agency or the area agency on aging is necessary  
10      to assure an adequate supply of such services;

11          “(ii) such services are directly related to  
12      such State agency’s or area agency on aging’s  
13      administrative functions; or

14          “(iii) such services can be provided more  
15      economically, and with comparable quality, by  
16      such State agency or area agency on aging.

17          “(B) Regarding case management services, if  
18      the State agency or area agency on aging is already  
19      providing case management services (as of the date  
20      of submission of the plan) under a State program,  
21      the plan may specify that such agency is allowed to  
22      continue to provide case management services.

23          “(C) The plan may specify that an area agency  
24      on aging is allowed to directly provide information  
25      and assistance services and outreach.

1           “(9) The plan shall provide assurances that the  
2       State agency will carry out, through the Office of  
3       the State Long-Term Care Ombudsman, a State  
4       Long-Term Care Ombudsman program in accord-  
5       ance with section 712 and this title, and will expend  
6       for such purpose an amount that is not less than an  
7       amount expended by the State agency with funds re-  
8       ceived under this title for fiscal year 2000, and an  
9       amount that is not less than the amount expended  
10      by the State agency with funds received under title  
11      VII for fiscal year 2000.”;

12           (4) by striking paragraphs (10), (11), and (12);

13           (5) by redesignating paragraph (13) as para-  
14      graph (10);

15           (6) in paragraph (10) (as redesignated by para-  
16      graph (5))—

17           (A) by striking subparagraphs (B), (C),  
18           (D), (E), (H), and (M);

19           (B) by redesignating subparagraphs (F),  
20           (G), (I), (J), (K), and (L) as subparagraphs  
21           (B), (C), (D), (E), (F), and (G), respectively;

22           (C) in subparagraph (F) (as redesignated  
23           by subparagraph (B)), by striking “older indi-  
24           vidual;” and inserting “older individual; and”;  
25           and

1 (D) in subparagraph (G) (as redesignated  
2 by subparagraph (B)), by striking “; and” and  
3 inserting a period;  
4 (7) by striking paragraph (14);  
5 (8) by redesignating paragraphs (15) and (16)  
6 as paragraphs (11) and (12), respectively;  
7 (9) by striking paragraph (17);  
8 (10) by redesignating paragraph (18) as para-  
9 graph (13);  
10 (11) by striking paragraph (19);  
11 (12) by redesignating paragraph (20) as para-  
12 graph (14);  
13 (13) by striking paragraphs (21) and (22);  
14 (14) by redesignating paragraphs (23), (24),  
15 (25), and (26) as paragraphs (15), (16), (17), and  
16 (18), respectively;  
17 (15) in paragraph (18) (as redesignated by  
18 paragraph (14)), by striking “section 306(a)(6)(I)”  
19 and inserting “section 306(a)(7)”;  
20 (16) by striking paragraphs (27), (28), (29),  
21 and (31);  
22 (17) by redesignating paragraphs (30) and (32)  
23 as paragraphs (19) and (20), respectively;  
24 (18) by striking paragraphs (33), (34), and  
25 (35) and inserting the following:

1           “(21) The plan shall—

2                   “(A) provide an assurance that the State  
3           agency will coordinate programs under this title  
4           and programs under title VI, if applicable; and

5                   “(B) provide an assurance that the State  
6           agency will pursue activities to increase access  
7           by older individuals who are Native Americans  
8           to all aging programs and benefits provided by  
9           the agency, including programs and benefits  
10          provided under this title, if applicable, and  
11          specify the ways in which the State agency in-  
12          tends to implement the activities.”;

13          (19) by redesignating paragraph (36) as para-  
14          graph (22);

15          (20) by striking paragraphs (37), (38), (39),  
16          (40), and (43);

17          (21) by redesignating paragraphs (41), (42),  
18          and (44) as paragraphs (23), (24), and (25), respec-  
19          tively; and

20          (22) by adding at the end the following:

21                   “(26)(A) The plan may include an evaluation  
22          by the State agency, in consultation with the area  
23          agencies on aging in the State and private organiza-  
24          tions in the State that are grantees, of the State’s

1 priorities regarding the need in the State for services  
2 provided under title V.

3 “(B) If the State agency includes such evalua-  
4 tion in such plan, the State agency shall—

5 “(i) determine what planning and service  
6 areas of the State are most in need of the serv-  
7 ices described in subparagraph (A) by taking  
8 into consideration—

9 “(I) the areas in which community  
10 service projects of the type authorized by  
11 title V are most needed;

12 “(II) the employment situations of,  
13 and the type of skills possessed by, avail-  
14 able local individuals who are eligible to  
15 participate in the projects; and

16 “(III) the potential projects for the  
17 areas and the number and percentage of  
18 local individuals who are eligible to partici-  
19 pate in the projects; and

20 “(ii) list such areas in descending order of  
21 need beginning with the area most in need.

22 “(27) The plan shall provide assurances that  
23 funds received under this title will not be used to  
24 pay any part of a cost (including an administrative  
25 cost) incurred by the State agency or an area agency

1 on aging to carry out a contract or commercial rela-  
2 tionship that is not carried out to implement this  
3 title.”.

4 **SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**  
5 **ADMINISTRATION OF STATE PLANS.**

6 Section 308(b) of the Older Americans Act of 1965  
7 (42 U.S.C. 3028(b)) is amended—

8 (1) in paragraph (4)—

9 (A) in subparagraph (B)—

10 (i) by striking “for fiscal year 1993,  
11 1994, 1995, or 1996” and inserting “for  
12 any fiscal year”; and

13 (ii) by striking “to satisfy such  
14 need—” and all that follows and inserting  
15 “to satisfy such need an additional 20 per-  
16 cent of the funds so received by a State  
17 and attributable to funds appropriated  
18 under paragraph (1) or (2) of section  
19 303(b).”; and

20 (B) by adding at the end the following:

21 “(C) A State’s request for a waiver under subpara-  
22 graph (B) shall—

23 “(i) be not more than 1 page in length;

24 “(ii) include a request that the waiver be grant-  
25 ed;

1           “(iii) specify the amount of the funds received  
2           by a State and attributable to funds appropriated  
3           under paragraph (1) or (2) of section 303(b), over  
4           the permissible 30 percent referred to in subpara-  
5           graph (A), that the State requires to satisfy the  
6           need for services under subpart 1 or 2 of part C;  
7           and

8           “(iv) not include a request for a waiver with re-  
9           spect to an amount if the transfer of the amount  
10          would jeopardize the appropriate provision of serv-  
11          ices under subpart 1 or 2 of part C.”; and

12          (2) by striking paragraph (5) and inserting the  
13          following:

14          “(5)(A)Notwithstanding any other provision of this  
15          title, of the funds received by a State attributable to funds  
16          appropriated under subsection (a)(1), and paragraphs (1)  
17          and (2) of subsection (b), of section 303, the State may  
18          elect to transfer not more than 30 percent for any fiscal  
19          year between programs under part B and part C, for use  
20          as the State considers appropriate. The State shall notify  
21          the Assistant Secretary of any such election.

22          “(B) At a minimum, the notification described in  
23          subparagraph (A) shall include a description of the  
24          amount to be transferred, the purposes of the transfer,  
25          the need for the transfer, and the impact of the transfer

1 on the provision of services from which the funding will  
2 be transferred.”.

3 **SEC. 307. AVAILABILITY OF DISASTER RELIEF FUNDS TO**  
4 **TRIBAL ORGANIZATIONS.**

5 Section 310 of the Older Americans Act of 1965 (42  
6 U.S.C. 3030) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by inserting “(or to any tribal or-  
10 ganization receiving a grant under title  
11 VI)” after “any State”; and

12 (ii) by inserting “(or funds used by  
13 such tribal organization)” before “for the  
14 delivery of supportive services”;

15 (B) in paragraph (2), by inserting “and  
16 such tribal organizations” after “States”; and

17 (C) in paragraph (3), by inserting “or such  
18 tribal organization” after “State” each place it  
19 appears; and

20 (2) in subsections (b)(1) and (c), by inserting  
21 “and such tribal organizations” after “States”.

22 **SEC. 308. NUTRITION SERVICES INCENTIVE PROGRAM.**

23 Section 311 of the Older Americans Act of 1965 (42  
24 U.S.C. 3030a) is amended—

1           (1) in the section heading, by striking “AVAIL-  
2       ABILITY OF SURPLUS COMMODITIES” and inserting  
3       “NUTRITION SERVICES INCENTIVE PROGRAM”;

4           (2) by redesignating subsections (a), (b), (c),  
5       and (d) as subsections (c), (d), (e), and (f), respec-  
6       tively;

7           (3) by inserting before subsection (c) (as redes-  
8       ignated by paragraph (2)) the following:

9       “(a) The purpose of this section is to provide incen-  
10      tives to encourage and reward effective performance by  
11      States and tribal organizations in the efficient delivery of  
12      nutritious meals to older individuals.

13       “(b)(1) The Secretary of Agriculture shall allot and  
14      pay, to each State agency with a plan approved under this  
15      title for a fiscal year, and to each tribal organization with  
16      an application approved under part A of title VI for such  
17      fiscal year, an amount bearing the same ratio to the total  
18      amount appropriated for such fiscal year under subsection  
19      (e) as the number of meals served in the State under such  
20      plan approved for the preceding fiscal year (or the number  
21      of meals served by the tribal organization, under such ap-  
22      plication approved for such preceding fiscal year), bears  
23      to the total number of such meals served in all States and  
24      by all tribal organizations under all such plans and appli-  
25      cations approved for such preceding fiscal year.

1       “(2) For purposes of paragraph (1), in the case of  
2 a tribal organization that has an application approved  
3 under part A of title VI for a fiscal year but that did not  
4 receive assistance under this section for the preceding fis-  
5 cal year, the number of meals served by the tribal organi-  
6 zation for the preceding fiscal year shall be deemed to  
7 equal the number of meals that the Assistant Secretary  
8 estimates will be served by the tribal organization in the  
9 fiscal year for which the application was approved.”;

10           (4) in subsection (c) (as redesignated by para-  
11 graph (2)), by striking paragraph (4);

12           (5) in subsection (d) (as redesignated by para-  
13 graph (2)), by adding at the end the following:

14       “(4) Among the commodities delivered under sub-  
15 section (c), the Secretary of Agriculture shall give special  
16 emphasis to high protein foods, meat, and meat alternates.  
17 The Secretary of Agriculture, in consultation with the As-  
18 sistant Secretary, is authorized to prescribe the terms and  
19 conditions respecting the donating of commodities under  
20 this subsection.”; and

21           (6) by striking subsection (e) (as redesignated  
22 by paragraph (2)) and inserting the following:

23       “(e) There are authorized to be appropriated to carry  
24 out this section (other than subsection (c)(1))

1 \$460,000,000 for fiscal year 2001 and such sums as may  
2 be necessary for each of the 4 succeeding fiscal years.”.

3 **SEC. 309. CONSUMER CONTRIBUTIONS AND WAIVERS.**

4 Part A of title III (42 U.S.C. 3021 et seq.) is amend-  
5 ed by adding at the end the following:

6 **“SEC. 315. CONSUMER CONTRIBUTIONS.**

7 “(a) COST SHARING.—

8 “(1) IN GENERAL.—Except as provided in  
9 paragraphs (2) and (3), a State is permitted to im-  
10 plement cost sharing for all services funded by this  
11 Act by recipients of the services.

12 “(2) EXCEPTION.—The State is not permitted  
13 to implement the cost sharing described in para-  
14 graph (1) for the following services:

15 “(A) Information and assistance, outreach,  
16 benefits counseling, or case management serv-  
17 ices.

18 “(B) Ombudsman, elder abuse prevention,  
19 legal assistance, or other consumer protection  
20 services.

21 “(C) Congregate and home delivered  
22 meals.

23 “(D) Any services delivered through tribal  
24 organizations.

1           “(3) PROHIBITIONS.—A State or tribal organi-  
2           zation shall not permit the cost sharing described in  
3           paragraph (1) for any services delivered through  
4           tribal organizations. A State shall not permit cost  
5           sharing by a low-income older individual if the in-  
6           come of such individual is at or below the Federal  
7           poverty level. A State shall not consider any assets,  
8           savings, or other property owned by older individuals  
9           when defining low-income individuals who are ex-  
10          empt from cost sharing, when creating a sliding  
11          scale for the cost sharing, or when seeking contribu-  
12          tions from any older individual.

13          “(4) PAYMENT RATES.—If a State permits the  
14          cost sharing described in paragraph (1), such State  
15          shall establish a sliding scale, based solely on indi-  
16          vidual income and the cost of delivering services.

17          “(5) REQUIREMENTS.—If a State permits the  
18          cost sharing described in paragraph (1), such State  
19          shall require each area agency on aging in the State  
20          to ensure that each service provider involved, and  
21          the area agency on aging, will—

22                  “(A) protect the privacy and confidentiality  
23                  of each older individual with respect to the dec-  
24                  laration or non-declaration of individual income

1 and to any share of costs paid or unpaid by an  
2 individual;

3 “(B) establish appropriate procedures to  
4 safeguard and account for cost share payments;

5 “(C) use each collected cost share payment  
6 to expand the service for which such payment  
7 was given;

8 “(D) not consider assets, savings, or other  
9 property owned by an older individual in deter-  
10 mining whether cost sharing is permitted;

11 “(E) not deny any service for which funds  
12 are received under this Act for an older indi-  
13 vidual due to the income of such individual or  
14 such individual’s failure to make a cost sharing  
15 payment;

16 “(F) determine the eligibility of older indi-  
17 viduals to cost share solely by a confidential  
18 declaration of income and with no requirement  
19 for verification; and

20 “(G) widely distribute State created writ-  
21 ten materials in languages reflecting the read-  
22 ing abilities of older individuals that describe  
23 the criteria for cost sharing, the State’s sliding  
24 scale, and the mandate described under sub-  
25 paragraph (E).

1           “(6) WAIVER.—An area agency on aging may  
2           request a waiver to the State’s cost sharing policies,  
3           and the State shall approve such a waiver if the area  
4           agency on aging can adequately demonstrate that—

5                   “(A) a significant proportion of persons re-  
6                   ceiving services under this Act subject to cost  
7                   sharing in the planning and service area have  
8                   incomes below the threshold established in  
9                   State policy; or

10                   “(B) cost sharing would be an unreason-  
11                   able administrative or financial burden upon  
12                   the area agency on aging.

13           “(b) VOLUNTARY CONTRIBUTIONS.—

14                   “(1) IN GENERAL.—Voluntary contributions  
15                   shall be allowed and may be solicited for all services  
16                   for which funds are received under this Act provided  
17                   that the method of solicitation is noncoercive.

18                   “(2) LOCAL DECISION.—The area agency on  
19                   aging shall consult with the relevant service pro-  
20                   viders and older individuals in agency’s planning and  
21                   service area in a State to determine the best method  
22                   for accepting voluntary contributions under this sub-  
23                   section.

24                   “(3) PROHIBITED ACTS.—The area agency on  
25                   aging and service providers shall not means test for

1 any service for which contributions are accepted or  
2 deny services to any individual who does not con-  
3 tribute to the cost of the service.

4 “(4) REQUIRED ACTS.—The area agency on  
5 aging shall ensure that each service provider will—

6 “(A) provide each recipient with an oppor-  
7 tunity to voluntarily contribute to the cost of  
8 the service;

9 “(B) clearly inform each recipient that  
10 there is no obligation to contribute and that the  
11 contribution is purely voluntary;

12 “(C) protect the privacy and confidentiality  
13 of each recipient with respect to the recipient’s  
14 contribution or lack of contribution;

15 “(D) establish appropriate procedures to  
16 safeguard and account for all contributions; and

17 “(E) use all collected contributions to ex-  
18 pand the service for which the contributions  
19 were given.

20 “(c) PARTICIPATION.—

21 “(1) IN GENERAL.—The State and area agen-  
22 cies on aging, in conducting public hearings on State  
23 and area plans, shall solicit the views of older indi-  
24 viduals, providers, and other stakeholders on imple-

1       mentation of cost-sharing in the service area or the  
2       State.

3               “(2) PLANS.—Prior to the implementation of  
4       cost sharing under subsection (a), each State and  
5       area agency on aging shall develop plans to ensure  
6       that the participation rates of low-income older indi-  
7       viduals (with particular attention to low-income mi-  
8       nority individuals) receiving services will not de-  
9       crease with the implementation of the cost sharing  
10      under such subsection.

11       “(d) EVALUATION.—Not later than 1 year after the  
12      date of enactment of the Older Americans Act Amend-  
13      ments of 2000, and annually thereafter, the Assistant Sec-  
14      retary shall conduct a comprehensive evaluation of prac-  
15      tices for cost sharing to determine its impact on participa-  
16      tion rates with particular attention to low-income and mi-  
17      nority older individuals. If the Assistant Secretary finds  
18      that there is a disparate impact upon low-income or mi-  
19      nority older individuals in any State or region within the  
20      State regarding the provision of services, the Assistant  
21      Secretary shall take corrective action to assure that such  
22      services are provided to all older individuals without re-  
23      gard to the cost sharing criteria.

1   **“SEC. 316. WAIVERS.**

2           “(a) IN GENERAL.—The Assistant Secretary may  
3 waive any of the provisions specified in subsection (b) with  
4 respect to a State, upon receiving an application by the  
5 State agency containing or accompanied by documentation  
6 sufficient to establish, to the satisfaction of the Assistant  
7 Secretary, that—

8           “(1) approval of the State legislature has been  
9 obtained or is not required with respect to the pro-  
10 posal for which waiver is sought;

11           “(2) the State agency has collaborated with the  
12 area agencies on aging in the State and other orga-  
13 nizations that would be affected with respect to the  
14 proposal for which waiver is sought;

15           “(3) the proposal has been made available for  
16 public review and comment, including the oppor-  
17 tunity for a public hearing upon request, within the  
18 State (and a summary of all of the comments re-  
19 ceived has been included in the application); and

20           “(4) the State agency has given adequate con-  
21 sideration to the probable positive and negative con-  
22 sequences of approval of the waiver application, and  
23 the probable benefits for older individuals can rea-  
24 sonably be expected to outweigh any negative con-  
25 sequences, or particular circumstances in the State  
26 otherwise justify the waiver.

1       “(b) REQUIREMENTS SUBJECT TO WAIVER.—The  
2 provisions of this title that may be waived under this sec-  
3 tion are—

4           “(1) any provision of sections 305, 306, and  
5 307 requiring statewide uniformity of programs car-  
6 ried out under this title, to the extent necessary to  
7 permit demonstrations, in limited areas of a State,  
8 of innovative approaches to assist older individuals;

9           “(2) any area plan requirement described in  
10 section 306(a) if granting the waiver will promote  
11 innovations or improve service delivery and will not  
12 diminish services already provided under this Act;

13           “(3) any State plan requirement described in  
14 section 307(a) if granting the waiver will promote  
15 innovations or improve service delivery and will not  
16 diminish services already provided under this Act;

17           “(4) any restriction under paragraph (5) of sec-  
18 tion 308(b), on the amount that may be transferred  
19 between programs carried out under part B; and

20           “(5) the requirement of section 309(c) that cer-  
21 tain amounts of a State allotment be used for the  
22 provision of services, with respect to a State that re-  
23 duces expenditures under the State plan of the State  
24 (but only to the extent that the non-Federal share  
25 of the expenditures is not reduced below any min-

1       imum specified in section 304(d) or any other provi-  
2       sion of this title).

3       “(c) DURATION OF WAIVER.—The application by a  
4       State agency for a waiver under this section shall include  
5       a recommendation as to the duration of the waiver (not  
6       to exceed the duration of the State plan of the State). The  
7       Assistant Secretary, in granting such a waiver, shall speci-  
8       fy the duration of the waiver, which may be the duration  
9       recommended by the State agency or such shorter time  
10      period as the Assistant Secretary finds to be appropriate.

11      “(d) REPORTS TO SECRETARY.—With respect to each  
12      waiver granted under this section, not later than 1 year  
13      after the expiration of such waiver, and at any time during  
14      the waiver period that the Assistant Secretary may re-  
15      quire, the State agency shall prepare and submit to the  
16      Assistant Secretary a report evaluating the impact of the  
17      waiver on the operation and effectiveness of programs and  
18      services provided under this title.”.

19      **SEC. 310. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

20      Section 321 of the Older Americans Act of 1965 (42  
21      U.S.C. 3030d) is amended—

22              (1) in subsection (a)—

23                      (A) in paragraph (2), by striking “or  
24                      both” and inserting “and services provided by  
25                      an area agency on aging, in conjunction with

1 local transportation service providers, public  
2 transportation agencies, and other local govern-  
3 ment agencies, that result in increased provi-  
4 sion of such transportation services for older in-  
5 dividuals”;

6 (B) in paragraph (4), by striking “or (D)”  
7 and all that follows and inserting “or (D) to as-  
8 sist older individuals in obtaining housing for  
9 which assistance is provided under programs of  
10 the Department of Housing and Urban Devel-  
11 opment;”;

12 (C) in paragraph (5), by striking “includ-  
13 ing” and all that follows and inserting the fol-  
14 lowing: “including—

15 “(A) client assessment, case management  
16 services, and development and coordination of  
17 community services;

18 “(B) supportive activities to meet the spe-  
19 cial needs of caregivers, including caretakers  
20 who provide in-home services to frail older indi-  
21 viduals; and

22 “(C) in-home services and other commu-  
23 nity services, including home health, home-  
24 maker, shopping, escort, reader, and letter writ-

1 ing services, to assist older individuals to live  
2 independently in a home environment.”;

3 (D) in paragraph (12), by inserting before  
4 the semicolon the following: “, and including  
5 the coordination of the services with programs  
6 administered by or receiving assistance from  
7 the Department of Labor, including programs  
8 carried out under the Workforce Investment  
9 Act of 1998 (29 U.S.C. 2801 et seq.)”;

10 (E) in paragraph (21), by striking “or”;

11 (F) by inserting after paragraph (21) the  
12 following:

13 “(22) in-home services for frail older individ-  
14 uals, including individuals with Alzheimer’s disease  
15 and related disorders with neurological and organic  
16 brain dysfunction, and their families, including in-  
17 home services defined by a State agency in the State  
18 plan submitted under section 307, taking into con-  
19 sideration the age, economic need, and noneconomic  
20 and nonhealth factors contributing to the frail condi-  
21 tion and need for services of the individuals de-  
22 scribed in this paragraph, and in-home services de-  
23 fined by an area agency on aging in the area plan  
24 submitted under section 306.”;

1 (G) by redesignating paragraph (22) as  
2 paragraph (23); and

3 (H) in paragraph (23) (as redesignated by  
4 subparagraph (G)), by inserting “necessary for  
5 the general welfare of older individuals” before  
6 the semicolon; and

7 (2) by adding at the end the following:

8 “(c) In carrying out the provisions of this part, to  
9 more efficiently and effectively deliver services to older in-  
10 dividuals, each area agency on aging shall coordinate serv-  
11 ices described in subsection (a) with other community  
12 agencies and voluntary organizations providing the same  
13 services. In coordinating the services, the area agency on  
14 aging shall make efforts to coordinate the services with  
15 agencies and organizations carrying out intergenerational  
16 programs or projects.

17 “(d) Funds made available under this part shall sup-  
18 plement, and not supplant, any Federal, State, or local  
19 funds expended by a State or unit of general purpose local  
20 government (including an area agency on aging) to provide  
21 services described in subsection (a).”.

22 **SEC. 311. NUTRITION SERVICES.**

23 (a) **HEADING.**—Section 331 of the Older Americans  
24 Act of 1965 (42 U.S.C. 3030e) is amended by striking

1 all that precedes “Assistant Secretary shall” and inserting  
2 the following:

3 **“SEC. 331. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The”.

5 (b) SCHOOL-BASED MEALS.—Section 338 of the  
6 Older Americans Act of 1965 (42 U.S.C. 3030g–11) is  
7 amended—

8 (1) by striking the section heading;

9 (2) in subsection (a), by striking “IN GEN-  
10 ERAL.—” and all that follows through “establishing  
11 and operating” and inserting “SCHOOL-BASED  
12 MEALS AND MULTIGENERATIONAL PROGRAMS.—In  
13 carrying out nutrition projects under subsection (a),  
14 the State may carry out”;

15 (3) by redesignating subsection (a) as sub-  
16 section (b);

17 (4) by moving that subsection (b) to the end of  
18 section 331; and

19 (5) by adding at the end the following:

20 “(c) INTERACTION.—In carrying out projects under  
21 subsection (a), the State may make efforts to provide older  
22 individuals with opportunities to interact with students on  
23 a regular basis in a way that is mutually beneficial.”.

1 (c) REPEAL.—Subpart 3 of part C of title III of the  
2 Older Americans Act of 1965 (42 U.S.C. 3030g–11 et  
3 seq.) is repealed.

4 (d) REDESIGNATION.—Part C of title III of the Older  
5 Americans Act of 1965 (42 U.S.C. 3030e et seq.) is  
6 amended by redesignating subpart 4 as subpart 3.

7 **SEC. 312. PAYMENT REQUIREMENT.**

8 Section 339A of the Older Americans Act of 1965  
9 (42 U.S.C. 3030g–22) is repealed.

10 **SEC. 313. IN-HOME SERVICES AND ADDITIONAL ASSIST-**  
11 **ANCE.**

12 Title III of the Older Americans Act of 1965 (42  
13 U.S.C. 3021 et seq.) is amended—

14 (1) by repealing parts D and E; and

15 (2) by redesignating part F as part D.

16 **SEC. 314. DEFINITION.**

17 Section 363 of the Older Americans Act of 1965 (42  
18 U.S.C. 3030o) is repealed.

19 **SEC. 315. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**  
20 **GRAM.**

21 Title III of the Older Americans Act of 1965 (42  
22 U.S.C. 3021 et seq.) is amended—

23 (1) by repealing part G; and

24 (2) by inserting after part D (as redesignated  
25 by section 313(2)) the following:

1       **“PART E—NATIONAL FAMILY CAREGIVER**  
2                   **SUPPORT PROGRAM**

3   **“SEC. 371. SHORT TITLE.**

4       “‘This part may be cited as the ‘National Family  
5   Caregiver Support Act’.

6           **“Subpart 1—Caregiver Support Program**

7   **“SEC. 372. DEFINITIONS.**

8       “‘In this subpart:

9           “(1) CHILD.—The term ‘child’ means an indi-  
10   vidual who is not more than 18 years of age.

11          “(2) FAMILY CAREGIVER.—The term ‘family  
12   caregiver’ means an adult family member, or an-  
13   other individual, who is an informal provider of in-  
14   home and community care to an older individual.

15          “(3) GRANDPARENT OR OLDER INDIVIDUAL  
16   WHO IS A RELATIVE CAREGIVER.—The term ‘grand-  
17   parent or older individual who is a relative caregiver’  
18   means a grandparent or stepgrandparent of a child,  
19   or a relative of a child by blood or marriage, who is  
20   60 years of age or older and—

21           “(A) lives with the child;

22           “(B) is the primary caregiver of the child  
23   because the biological or adoptive parents are  
24   unable or unwilling to serve as the primary  
25   caregiver of the child; and

1                   “(C) has a legal relationship to the child,  
2                   as such legal custody or guardianship, or is  
3                   raising the child informally.

4   **“SEC. 373. PROGRAM AUTHORIZED.**

5           “(a) IN GENERAL.—The Assistant Secretary shall  
6   carry out a program for making grants to States with  
7   State plans approved under section 307, to pay for the  
8   Federal share of the cost of carrying out State programs,  
9   to enable area agencies on aging, or entities that such area  
10   agencies on aging contract with, to provide multifaceted  
11   systems of support services—

12                   “(1) for family caregivers; and

13                   “(2) for grandparents or older individuals who  
14                   are relative caregivers.

15           “(b) SUPPORT SERVICES.—In providing the services  
16   under subsection (a), an area agency on aging, or entity  
17   that such agency has contracted with, shall provide—

18                   “(1) information to eligible caregivers about  
19                   available services;

20                   “(2) assistance to eligible caregivers in gaining  
21                   access to the services;

22                   “(3) individual counseling, organization of sup-  
23                   port groups, and caregiver training to eligible care-  
24                   givers to assist the caregivers in making decisions

1 and solving problems relating to their caregiving  
2 roles;

3 “(4) respite care to enable eligible caregivers to  
4 be temporarily relieved from their caregiving respon-  
5 sibilities; and

6 “(5) supplemental services, on a limited basis,  
7 to complement the care provided by eligible care-  
8 givers.

9 “(c) ELIGIBILITY AND PRIORITY.—

10 “(1) ELIGIBILITY.—In order for a family care-  
11 giver, or a grandparent or older individual who is a  
12 relative caregiver, to be eligible to receive services  
13 provided by a State program under this subpart, the  
14 State shall find that—

15 “(A) the caregiver is a caregiver described  
16 in paragraph (1) or (2) of subsection (a); and

17 “(B) in the case of a caregiver providing  
18 care to an older individual, the older individual  
19 meets the condition specified in subparagraph  
20 (A)(i) or (B) of section 102(28).

21 “(2) PRIORITY.—In providing services to a fam-  
22 ily caregiver, or a grandparent or older individual  
23 who is a relative caregiver, the State shall give pri-  
24 ority for services to older individuals with greatest  
25 social need, older individuals with greatest economic

1       need, and older individuals providing care and sup-  
2       port to persons with mental retardation and related  
3       developmental disabilities (as defined in section 102  
4       of the Developmental Disabilities Assistance and Bill  
5       of Rights Act (42 U.S.C. 6001)) (referred to in this  
6       subpart as ‘developmental disabilities’) consistent  
7       with the requirements of section 305(a)(2)(E).

8       “(d) COORDINATION WITH SERVICE PROVIDERS.—

9       In carrying out this subpart, each area agency on aging  
10      shall coordinate the activities of the agency, or entity that  
11      such agency has contracted with, with the activities of  
12      other community agencies and voluntary organizations  
13      providing the types of services described in subsection (b).

14      “(e) QUALITY STANDARDS AND MECHANISMS AND  
15      ACCOUNTABILITY.—

16           “(1) QUALITY STANDARDS AND MECHANISMS.—

17      The State shall establish standards and mechanisms  
18      designed to assure the quality of services provided  
19      with assistance made available under this subpart.

20           “(2) DATA AND RECORDS.—The State shall col-

21      lect data and maintain records relating to the State  
22      program in a standardized format specified by the  
23      Assistant Secretary. The State shall furnish the  
24      records to the Assistant Secretary, at such time as  
25      the Assistant Secretary may require, in order to en-

1       able the Assistant Secretary to monitor State pro-  
2       gram administration and compliance, and to evalu-  
3       ate and compare the effectiveness of the State pro-  
4       grams.

5           “(3) REPORTS.—The State shall prepare and  
6       submit to the Assistant Secretary reports on the  
7       data and records required under paragraph (2), in-  
8       cluding information on the services funded under  
9       this subpart, and standards and mechanisms by  
10      which the quality of the services shall be assured.

11      “(f) AVAILABILITY OF FUNDS.—

12           “(1) IN GENERAL.—A State shall use the por-  
13      tion of the State allotment under section 304 that  
14      is from amounts appropriated under section 303(e)  
15      to carry out the State program under this subpart.

16           “(2) USE OF FUNDS FOR ADMINISTRATION OF  
17      AREA PLANS.—Amounts made available to a State to  
18      carry out the State program under this subpart may  
19      be used, in addition to amounts available in accord-  
20      ance with section 303(c)(1), for costs of administra-  
21      tion of area plans.

22           “(3) FEDERAL SHARE.—

23           “(A) IN GENERAL.—Notwithstanding sec-  
24      tion 304(d)(1)(D), the Federal share of the cost

1 of carrying out a State program under this sub-  
2 part shall be 75 percent.

3 “(B) NON-FEDERAL SHARE.—The non-  
4 Federal share of the cost shall be provided from  
5 State and local sources.

6 “(C) LIMITATION.—A State may use not  
7 more than 10 percent of the total Federal and  
8 non-Federal share available to the State to pro-  
9 vide support services to grandparents and older  
10 individuals who are relative caregivers.

11 **“SEC. 374. MAINTENANCE OF EFFORT.**

12 “Funds made available under this subpart shall sup-  
13 plement, and not supplant, any Federal, State, or local  
14 funds expended by a State or unit of general purpose local  
15 government (including an area agency on aging) to provide  
16 services described in section 373.

17 **“Subpart 2—National Innovation Programs**

18 **“SEC. 375. INNOVATION GRANT PROGRAM.**

19 “(a) IN GENERAL.—The Assistant Secretary shall  
20 carry out a program for making grants on a competitive  
21 basis to foster the development and testing of new ap-  
22 proaches to sustaining the efforts of families and other  
23 informal caregivers of older individuals, and to serving  
24 particular groups of caregivers of older individuals, includ-  
25 ing minority caregivers and distant caregivers.

1       “(b) EVALUATION AND DISSEMINATION OF RE-  
2       SULTS.—The Assistant Secretary shall provide for evalua-  
3       tion of the effectiveness of programs and activities funded  
4       with grants made under this section, and for dissemina-  
5       tion to States of descriptions and evaluations of such pro-  
6       grams and activities, to enable States to incorporate suc-  
7       cessful approaches into their programs carried out under  
8       this part.

9       “(c) SUNSET PROVISION.—This section shall be ef-  
10      fective for 3 fiscal years after the date of enactment of  
11      the Older Americans Act Amendments of 2000.

12      **“SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

13      “(a) IN GENERAL.—The Assistant Secretary shall,  
14      directly or by grant or contract, carry out activities of na-  
15      tional significance to promote quality and continuous im-  
16      provement in the support provided to family and other in-  
17      formal caregivers of older individuals through program  
18      evaluation, training, technical assistance, and research.

19      “(b) SUNSET PROVISION.—This section shall be ef-  
20      fective for 3 fiscal years after the date of enactment of  
21      the Older Americans Act Amendments of 2000.”.

1 **TITLE IV—TRAINING, RE-**  
2 **SEARCH, AND DISCRE-**  
3 **TIONARY PROJECTS AND**  
4 **PROGRAMS.**

5 **SEC. 401. PROJECTS AND PROGRAMS.**

6 Title IV of the Older Americans Act of 1965 (42  
7 U.S.C. 3030aa et seq.) is amended to read as follows:

8 **“SEC. 401. PURPOSES.**

9 “The purposes of this title are—

10 “(1) to expand the Nation’s knowledge and un-  
11 derstanding of the older population and the aging  
12 process;

13 “(2) to design, test, and promote the use of in-  
14 novative ideas and best practices in programs and  
15 services for older individuals;

16 “(3) to help meet the needs for trained per-  
17 sonnel in the field of aging; and

18 “(4) to increase awareness of citizens of all  
19 ages of the need to assume personal responsibility  
20 for their own longevity.

21 **“PART A—GRANT PROGRAMS**

22 **“SEC. 411. PROGRAM AUTHORIZED.**

23 “(a) IN GENERAL.—For the purpose of carrying out  
24 this section, the Assistant Secretary may make grants to  
25 and enter into contracts with States, public agencies, pri-

1 vate nonprofit agencies, institutions of higher education,  
2 and organizations, including tribal organizations, for—

3 “(1) education and training to develop an ade-  
4 quately trained workforce to work with and on be-  
5 half of older individuals;

6 “(2) applied social research and analysis to im-  
7 prove access to and delivery of services for older in-  
8 dividuals;

9 “(3) evaluation of the performance of the pro-  
10 grams, activities, and services provided under this  
11 section;

12 “(4) the development of methods and practices  
13 to improve the quality and effectiveness of the pro-  
14 grams, services, and activities provided under this  
15 section;

16 “(5) the demonstration of new approaches to  
17 design, deliver, and coordinate programs and serv-  
18 ices for older individuals;

19 “(6) technical assistance in planning, devel-  
20 oping, implementing, and improving the programs,  
21 services, and activities provided under this section;

22 “(7) coordination with the designated State  
23 agency described in section 101(a)(2)(A)(i) of the  
24 Rehabilitation Act of 1973 (29 U.S.C.

1       721(a)(2)(A)(i)) to provide services to older individ-  
2       uals who are blind as described in such Act;

3           “(8) the training of graduate level professionals  
4       specializing in the mental health needs of older indi-  
5       viduals; and

6           “(9) any other activities that the Assistant Sec-  
7       retary determines will achieve the objectives of this  
8       section.

9       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
10     are authorized to be appropriated to carry out this section  
11     \$72,000,000 for fiscal year 2001, and such sums as may  
12     be necessary for subsequent fiscal years.

13     **“SEC. 412. SPECIAL PROJECTS IN COMPREHENSIVE LONG-**  
14           **TERM CARE.**

15       “(a) DEFINITIONS.—In this section:

16           “(1) PROJECT.—The term ‘Project’ means a  
17       Project to Improve the Delivery of Long-Term Care  
18       Services.

19           “(2) RESOURCE CENTER.—The term ‘Resource  
20       Center’ means a Resource Center for Long-Term  
21       Care.

22       “(b) RESOURCE CENTERS.—

23           “(1) GRANTS AND CONTRACTS.—The Assistant  
24       Secretary shall award grants to, or enter into con-  
25       tracts with, eligible entities to support the establish-

1       ment or operation of not fewer than 4 and not more  
2       than 7 Resource Centers in accordance with para-  
3       graph (2).

4           “(2) REQUIREMENTS.—

5               “(A) FUNCTIONS.—Each Resource Center  
6               that receives funds under this subsection shall,  
7               with respect to subjects within an area of spe-  
8               cialty of the Resource Center—

9                   “(i) perform research;

10                   “(ii) provide for the dissemination of  
11                   results of the research; and

12                   “(iii) provide technical assistance and  
13                   training to State agencies and area agen-  
14                   cies on aging.

15               “(B) AREA OF SPECIALTY.—For purposes  
16               of subparagraph (A) the term ‘area of specialty’  
17               means—

18                   “(i) Alzheimer’s disease and related  
19                   dementias, and other cognitive impair-  
20                   ments;

21                   “(ii) client assessment and case man-  
22                   agement;

23                   “(iii) data collection and analysis;

1 “(iv) home modification and sup-  
2 portive services to enable older individuals  
3 to remain in their homes;

4 “(v) consolidation and coordination of  
5 services;

6 “(vi) linkages between acute care, re-  
7 habilitative services, and long-term care,  
8 facilities and providers;

9 “(vii) decisionmaking and bioethics;

10 “(viii) supply, training, and quality of  
11 long-term care personnel, including those  
12 who provide rehabilitative services;

13 “(ix) rural issues, including barriers  
14 to access to services;

15 “(x) chronic mental illness;

16 “(xi) populations with greatest social  
17 need and populations with greatest eco-  
18 nomic need, with particular attention to  
19 low-income minorities; and

20 “(xii) an area of importance as deter-  
21 mined by the Assistant Secretary.

22 “(c) PROJECTS.—The Assistant Secretary shall  
23 award grants to, or enter into contracts with, eligible enti-  
24 ties to support the entities in establishing and carrying  
25 out not fewer than 10 Projects.

1 “(d) USE OF FUNDS.—

2 “(1) IN GENERAL.—Except as provided in para-  
3 graph (2), an eligible entity may use funds received  
4 under a grant or contract—

5 “(A) described in subsection (b)(1) to pay for  
6 part or all of the cost (including startup cost)  
7 of establishing and operating a new Resource  
8 Center, or of operating a Resource Center in  
9 existence on the day before the date of the en-  
10 actment of the Older Americans Act Amend-  
11 ments of 2000; or

12 “(B) described in subsection (c) to pay for  
13 part or all of the cost (including startup cost)  
14 of establishing and carrying out a Project.

15 “(2) REIMBURSABLE DIRECT SERVICES.—None  
16 of the funds may be used to pay for direct services  
17 that are eligible for reimbursement under title  
18 XVIII, XIX, or XX of the Social Security Act (42  
19 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

20 “(e) PREFERENCE.—In awarding grants, and enter-  
21 ing into contracts, under this section, the Assistant Sec-  
22 retary shall give preference to entities that demonstrate  
23 that—

1           “(1) adequate State standards have been devel-  
2           oped to ensure the quality of services provided under  
3           the grant or contract; and

4           “(2) the entity has made a commitment to  
5           carry out programs under the grant or contract with  
6           each State agency responsible for the administration  
7           of title XIX or XX of the Social Security Act.

8           “(f) APPLICATION.—

9           “(1) IN GENERAL.—To be eligible to receive  
10          funds under a grant or contract described in sub-  
11          section (b)(1) or (c), an entity shall submit an appli-  
12          cation to the Assistant Secretary at such time, in  
13          such manner, and containing such information as  
14          the Assistant Secretary may require.

15          “(2) PROJECT APPLICATION.—An entity seek-  
16          ing a grant or contract under subsection (c) shall  
17          submit an application to the Assistant Secretary  
18          containing, at a minimum—

19                 “(A) information identifying and describ-  
20                 ing gaps, weaknesses, or other problems in the  
21                 delivery of long-term care services in the State  
22                 or geographic area to be served by the entity,  
23                 including—

1 “(i) duplication of functions in the de-  
2 livery of such services, including duplica-  
3 tion at the State and local level;

4 “(ii) fragmentation of systems, espe-  
5 cially in coordinating services to popu-  
6 lations of older individuals and other popu-  
7 lations;

8 “(iii) barriers to access for popu-  
9 lations with greatest social need and popu-  
10 lations with greatest economic need, in-  
11 cluding minorities and residents of rural  
12 areas;

13 “(iv) lack of financing for such serv-  
14 ices;

15 “(v) lack of availability of adequately  
16 trained personnel to provide such services;  
17 and

18 “(vi) lack of a range of chronic care  
19 services (including rehabilitative strategies)  
20 that promote restoration, maintenance, or  
21 improvement of function in older individ-  
22 uals;

23 “(B) a plan to address the gaps, weak-  
24 nesses, and problems described in clauses (i)  
25 through (v) of subparagraph (A); and

1           “(C) information describing the extent to  
2           which the entity will coordinate activities with  
3           area agencies on aging and service providers in  
4           establishing or operating the proposed Resource  
5           Center or carrying out the proposed Project.

6           “(g) ELIGIBLE ENTITIES.—

7           “(1) RESOURCE CENTERS.—Entities eligible to  
8           receive grants, or enter into contracts, under sub-  
9           section (b)(1) shall be—

10           “(A) institutions of higher education; and

11           “(B) other public agencies and nonprofit  
12           private organizations.

13           “(2) PROJECTS.—Entities eligible to receive  
14           grants, or enter into contracts, under subsection (c)  
15           include—

16           “(A) State agencies; and

17           “(B) in consultation with State agencies—

18           “(i) area agencies on aging;

19           “(ii) institutions of higher education;

20           and

21           “(iii) other public agencies and non-  
22           profit private organizations.

23           “(h) REPORT.—The Assistant Secretary shall include  
24           in the annual report to Congress required by section 206,

1 a report on the grants awarded, and contracts entered  
2 into, under this section, including—

3 “(1) an analysis of the relative effectiveness,  
4 and recommendations for any changes, of the  
5 projects of Resource Centers funded under sub-  
6 section (b)(1) in the fiscal year for which the Assist-  
7 ant Secretary is preparing the annual report; and

8 “(2) an evaluation of the needs identified, the  
9 agencies utilized, and the effectiveness of the ap-  
10 proaches used by projects funded under subsection  
11 (c).

12 **“SEC. 413. OLDER WOMEN’S PROTECTION FROM VIOLENCE**  
13 **PROJECTS.**

14 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-  
15 retary shall make grants to States, area agencies on aging,  
16 nonprofit organizations, or tribal organizations to carry  
17 out the activities described in subsection (b).

18 “(b) ACTIVITIES.—A State, an area agency on aging,  
19 a nonprofit organization, or a tribal organization that re-  
20 ceives a grant under subsection (a) shall use such grant  
21 to—

22 “(1) support projects in local communities, in-  
23 volving diverse sectors of each community, to coordi-  
24 nate activities concerning intervention in and preven-  
25 tion of elder abuse, neglect, and exploitation, includ-

1       ing domestic violence and sexual assault, against  
2       older individuals;

3               “(2) develop and implement outreach programs  
4       directed toward assisting older individuals who are  
5       victims of elder abuse, neglect, and exploitation (in-  
6       cluding domestic violence and sexual assault, against  
7       older individuals), including programs directed to-  
8       ward assisting the individuals in senior housing com-  
9       plexes, nursing homes, board and care facilities, and  
10      senior centers;

11              “(3) expand access to domestic violence and  
12      sexual assault programs (including shelters, rape cri-  
13      sis centers, and support groups), including mental  
14      health services, safety planning and legal advocacy  
15      for older individuals and encourage the use of senior  
16      housing, hotels, or other suitable facilities or services  
17      when appropriate as emergency short-term shelters  
18      for older individuals who are the victims of elder  
19      abuse, including domestic violence and sexual as-  
20      sault; or

21              “(4) promote research on legal, organizational,  
22      or training impediments to providing services to  
23      older individuals through shelters and other pro-  
24      grams, such as impediments to provision of services

1 in coordination with delivery of health care or serv-  
2 ices delivered under this Act.

3 “(c) PREFERENCE.—In awarding grants under subsection  
4 (a), the Assistant Secretary shall give preference to a  
5 State, an area agency on aging, a nonprofit organization,  
6 or a tribal organization that has the ability to carry out  
7 the activities described in this section and title VII of this  
8 Act.

9 “(d) COORDINATION.—The Assistant Secretary shall  
10 encourage each State, area agency on aging, nonprofit or-  
11 ganization, and tribal organization that receives a grant  
12 under subsection (a) to coordinate activities provided  
13 under this section with activities provided by other area  
14 agencies on aging, tribal organizations, State adult protec-  
15 tive service programs, private nonprofit organizations, and  
16 by other entities receiving funds under title VII of this  
17 Act.

18 **“SEC. 414. HEALTH CARE SERVICE DEMONSTRATION**  
19 **PROJECTS IN RURAL AREAS.**

20 “(a) AUTHORITY.—The Assistant Secretary, after  
21 consultation with the State agency of the State involved,  
22 shall make grants to eligible public agencies and nonprofit  
23 private organizations to pay part or all of the cost of devel-  
24 oping or operating model health care service projects (in-  
25 cluding related home health care services, adult day health

1 care, outreach, and transportation) through multipurpose  
2 senior centers that are located in rural areas and that pro-  
3 vide nutrition services under section 331, to meet the  
4 health care needs of medically underserved older individ-  
5 uals residing in such areas.

6 “(b) ELIGIBILITY.—To be eligible to receive a grant  
7 under subsection (a), a public agency or nonprofit private  
8 organization shall submit to the Assistant Secretary an  
9 application containing such information and assurances as  
10 the Secretary may require, including—

11 “(1) information describing the nature and ex-  
12 tent of the applicant’s—

13 “(A) experience in providing medical serv-  
14 ices of the type to be provided in the project for  
15 which a grant is requested; and

16 “(B) coordination and cooperation with—

17 “(i) institutions of higher education  
18 having graduate programs with capability  
19 in public health, the medical sciences, psy-  
20 chology, pharmacology, nursing, social  
21 work, health education, nutrition, or geron-  
22 tology, for the purpose of designing and  
23 developing such project; and

24 “(ii) critical access hospitals (as de-  
25 fined in section 1861(mm)(1) of the Social

1 Security Act (42 U.S.C. 1395x(mm)(1))  
2 and rural health clinics (as defined in sec-  
3 tion 1861(aa)(2) of the Social Security Act  
4 (42 U.S.C. 1395x(aa)(2)));

5 “(2) assurances that the applicant will carry  
6 out the project for which a grant is requested,  
7 through a multipurpose senior center located—

8 “(A)(i) in a rural area that has a popu-  
9 lation of less than 5,000; or

10 “(ii) in a county that has fewer than 6 in-  
11 dividuals per square mile; and

12 “(B) in a State in which—

13 “(i) not less than  $33\frac{1}{3}$  of the popu-  
14 lation resides in rural areas; and

15 “(ii) not less than 5 percent of the  
16 population resides in counties with fewer  
17 than 7 individuals per square mile;

18 as defined by and determined in accord-  
19 ance with the most recent data available  
20 from the Bureau of the Census; and

21 “(3) assurances that the applicant will submit  
22 to the Assistant Secretary such evaluations and re-  
23 ports as the Assistant Secretary may require.

24 “(c) REPORTS.—The Assistant Secretary shall pre-  
25 pare and submit to the appropriate committees of Con-

1 gress a report that includes summaries of the evaluations  
2 and reports required under subsection (b).

3 **“SEC. 415. COMPUTER TRAINING.**

4 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-  
5 retary may award grants or contracts to entities to provide  
6 computer training for older individuals.

7 “(b) PRIORITY.—If the Assistant Secretary awards  
8 grants under subsection (a), the Assistant Secretary shall  
9 give priority to an entity that—

10 “(1) will provide services to older individuals  
11 living in rural areas;

12 “(2) has demonstrated expertise in providing  
13 computer training to older individuals; or

14 “(3) has demonstrated that it has a variety of  
15 training delivery methods, including facility-based,  
16 computer-based, and Internet-based training, that  
17 may facilitate a determination of the best method of  
18 training older individuals.

19 “(c) USE OF FUNDS.—An entity that receives a grant  
20 or contract under subsection (a) shall use funds received  
21 under such grant or contract to provide training for older  
22 individuals that—

23 “(1) relates to the use of computers and related  
24 equipment, in order to improve the self-employment  
25 and employment-related technology skills of older in-

1 individuals, as well as their ability to use the Internet;  
2 and

3 “(2) is provided at senior centers, housing fa-  
4 cilities for older individuals, elementary schools, sec-  
5 ondary schools, and institutions of higher education.

6 **“SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANS-**  
7 **PORTATION FOR SENIORS.**

8 “(a) IN GENERAL.—The Secretary may award grants  
9 or contracts to nonprofit organizations to improve trans-  
10 portation services for older individuals.

11 “(b) USE OF FUNDS.—A nonprofit organization re-  
12 ceiving a grant or contract under subsection (a) shall use  
13 funds received under such grant or contract to provide  
14 technical assistance to assist local transit providers, area  
15 agencies on aging, senior centers and local senior support  
16 groups to encourage and facilitate coordination of Federal,  
17 State, and local transportation services and resources for  
18 older individuals. Such technical assistance may include—

19 “(1) developing innovative approaches for im-  
20 proving access by older individuals to supportive  
21 services;

22 “(2) preparing and disseminating information  
23 on transportation options and resources for older in-  
24 dividuals and organizations serving such individuals  
25 through establishing a toll-free telephone number;

1           “(3) developing models and best practices for  
2           comprehensive integrated transportation services for  
3           older individuals, including services administered by  
4           the Secretary of Transportation, by providing ongoing  
5           technical assistance to agencies providing services  
6           under title III and by assisting in coordination  
7           of public and community transportation services;  
8           and

9           “(4) providing special services to link seniors to  
10          transportation services not provided under title III.

11 **“SEC. 417. DEMONSTRATION PROJECTS FOR**  
12 **MULTIGENERATIONAL ACTIVITIES.**

13          “(a) GRANTS AND CONTRACTS.—The Assistant Secretary  
14          may award grants and enter into contracts with eligible  
15          organizations to establish demonstration projects to  
16          provide older individuals with multigenerational activities.

17          “(b) USE OF FUNDS.—An eligible organization shall  
18          use funds made available under a grant awarded, or a contract  
19          entered into, under subsection (a)—

20               “(1) to carry out a demonstration project that  
21               provides multigenerational activities, including any  
22               professional training appropriate to such activities  
23               for older individuals; and

24               “(2) to evaluate the project in accordance with  
25               subsection (f).

1       “(c) PREFERENCE.—In awarding grants and enter-  
2 ing into contracts under subsection (a), the Assistant Sec-  
3 retary shall give preference to—

4           “(1) eligible organizations with a demonstrated  
5 record of carrying out multigenerational activities;  
6 and

7           “(2) eligible organizations proposing projects  
8 that will serve older individuals with greatest eco-  
9 nomic need (with particular attention to low-income  
10 minority individuals).

11       “(d) APPLICATION.—To be eligible to receive a grant  
12 or enter into a contract under subsection (a), an organiza-  
13 tion shall submit an application to the Assistant Secretary  
14 at such time, in such manner, and accompanied by such  
15 information as the Assistant Secretary may reasonably re-  
16 quire.

17       “(e) ELIGIBLE ORGANIZATIONS.—Organizations eli-  
18 gible to receive a grant or enter into a contract under sub-  
19 section (a) shall be organizations that employ, or provide  
20 opportunities for, older individuals in multigenerational  
21 activities.

22       “(f) LOCAL EVALUATION AND REPORT.—

23           “(1) EVALUATION.—Each organization receiv-  
24 ing a grant or a contract under subsection (a) to  
25 carry out a demonstration project shall evaluate the

1        multigenerational activities assisted under the  
2        project to determine the effectiveness of the  
3        multigenerational activities, the impact of such ac-  
4        tivities on child care and youth day care programs,  
5        and the impact of such activities on older individuals  
6        involved in such project.

7            “(2) REPORT.—The organization shall submit a  
8        report to the Assistant Secretary containing the  
9        evaluation not later than 6 months after the expira-  
10      tion of the period for which the grant or contract is  
11      in effect.

12          “(g) REPORT TO CONGRESS.—Not later than 6  
13      months after the Assistant Secretary receives the reports  
14      described in subsection (f)(2), the Assistant Secretary  
15      shall prepare and submit to the Speaker of the House of  
16      Representatives and the President pro tempore of the Sen-  
17      ate a report that assesses the evaluations and includes,  
18      at a minimum—

19            “(1) the names or descriptive titles of the dem-  
20      onstration projects funded under subsection (a);

21            “(2) a description of the nature and operation  
22      of the projects;

23            “(3) the names and addresses of organizations  
24      that conducted the projects;

1           “(4) a description of the methods and success  
2           of the projects in recruiting older individuals as em-  
3           ployees and volunteers to participate in the projects;

4           “(5) a description of the success of the projects  
5           in retaining older individuals involved in the projects  
6           as employees and as volunteers; and

7           “(6) the rate of turnover of older individual em-  
8           ployees and volunteers in the projects.

9           “(h) DEFINITION.—As used in this section, the term  
10          ‘multigenerational activity’ includes an opportunity to  
11          serve as a mentor or adviser in a child care program, a  
12          youth day care program, an educational assistance pro-  
13          gram, an at-risk youth intervention program, a juvenile  
14          delinquency treatment program, or a family support pro-  
15          gram.

16       **“SEC. 418. NATIVE AMERICAN PROGRAMS.**

17           “(a) ESTABLISHMENT.—

18           “(1) IN GENERAL.—The Assistant Secretary  
19           shall make grants or enter into contracts with not  
20           fewer than 2 and not more than 4 eligible entities  
21           to establish and operate Resource Centers on Native  
22           American Elders (referred to in this section as ‘Re-  
23           source Centers’). The Assistant Secretary shall make  
24           such grants or enter into such contracts for periods  
25           of not less than 3 years.

1 “(2) FUNCTIONS.—

2 “(A) IN GENERAL.—Each Resource Center  
3 that receives funds under this section shall—

4 “(i) gather information;

5 “(ii) perform research;

6 “(iii) provide for the dissemination of  
7 results of the research; and

8 “(iv) provide technical assistance and  
9 training to entities that provide services to  
10 Native Americans who are older individ-  
11 uals.

12 “(B) AREAS OF CONCERN.—In conducting  
13 the functions described in subparagraph (A), a  
14 Resource Center shall focus on priority areas of  
15 concern for the Resource Centers regarding Na-  
16 tive Americans who are older individuals, which  
17 areas shall be—

18 “(i) health problems;

19 “(ii) long-term care, including in-  
20 home care;

21 “(iii) elder abuse; and

22 “(iv) other problems and issues that  
23 the Assistant Secretary determines are of  
24 particular importance to Native Americans  
25 who are older individuals.

1           “(3) PREFERENCE.—In awarding grants and  
2           entering into contracts under paragraph (1), the As-  
3           sistant Secretary shall give preference to institutions  
4           of higher education that have conducted research on,  
5           and assessments of, the characteristics and needs of  
6           Native Americans who are older individuals.

7           “(4) CONSULTATION.—In determining the type  
8           of information to be sought from, and activities to  
9           be performed by, Resource Centers, the Assistant  
10          Secretary shall consult with the Director of the Of-  
11          fice for American Indian, Alaskan Native, and Na-  
12          tive Hawaiian Aging and with national organizations  
13          with special expertise in serving Native Americans  
14          who are older individuals.

15          “(5) ELIGIBLE ENTITIES.—To be eligible to re-  
16          ceive a grant or enter into a contract under para-  
17          graph (1), an entity shall be an institution of higher  
18          education with experience conducting research and  
19          assessment on the needs of older individuals.

20          “(6) REPORT TO CONGRESS.—The Assistant  
21          Secretary, with assistance from each Resource Cen-  
22          ter, shall prepare and submit to the Speaker of the  
23          House of Representatives and the President pro  
24          tempore of the Senate an annual report on the sta-

1       tus and needs, including the priority areas of con-  
2       cern, of Native Americans who are older individuals.

3       “(b) TRAINING GRANTS.—The Assistant Secretary  
4       shall make grants and enter into contracts to provide in-  
5       service training opportunities and courses of instruction  
6       on aging to Indian tribes through public or nonprofit In-  
7       dian aging organizations and to provide annually a na-  
8       tional meeting to train directors of programs under this  
9       title.”

10    **“SEC. 419. MULTIDISCIPLINARY CENTERS.**

11       “(a) PROGRAM AUTHORIZED.—The Assistant Sec-  
12       retary may make grants to public and private nonprofit  
13       agencies, organizations, and institutions for the purpose  
14       of establishing or supporting multidisciplinary centers of  
15       gerontology, and gerontology centers of special emphasis  
16       (including emphasis on nutrition, employment, health (in-  
17       cluding mental health), disabilities (including severe dis-  
18       abilities), income maintenance, counseling services, sup-  
19       portive services and minority populations).

20       “(b) USE OF FUNDS.—

21               “(1) IN GENERAL.—The centers described in  
22       subsection (a) shall conduct research and policy  
23       analysis and function as a technical resource for the  
24       Assistant Secretary, policymakers, service providers,  
25       and Congress.

1           “(2) MULTIDISCIPLINARY CENTERS.—The mul-  
2       tidisciplinary centers of gerontology described in  
3       subsection (a) shall—

4                   “(A) recruit and train personnel;

5                   “(B) conduct basic and applied research  
6       toward the development of information related  
7       to aging;

8                   “(C) stimulate the incorporation of infor-  
9       mation on aging into the teaching of biological,  
10      behavioral, and social sciences at colleges and  
11      universities;

12                  “(D) help to develop training programs in  
13      the field of aging at schools of public health,  
14      education, social work, and psychology, and  
15      other appropriate schools within colleges and  
16      universities;

17                  “(E) serve as a repository of information  
18      and knowledge on aging;

19                  “(F) provide consultation and information  
20      to public and voluntary organizations, including  
21      State agencies and area agencies on aging,  
22      which serve the needs of older individuals in  
23      planning and developing services provided under  
24      other provisions of this Act; and

1                   “(G) if appropriate, provide information  
2 relating to assistive technology.

3           “(c) DATA.—

4                   “(1) IN GENERAL.—Each center that receives a  
5 grant under subsection (a) shall provide data to the  
6 Assistant Secretary on the projects and activities  
7 carried out with funds received under such sub-  
8 section.

9                   “(2) INFORMATION INCLUDED.—Such data de-  
10 scribed in paragraph (1) shall include—

11                   “(A) information on the number of per-  
12 sonnel trained;

13                   “(B) information on the number of older  
14 individuals served;

15                   “(C) information on the number of schools  
16 assisted; and

17                   “(D) other information that will facilitate  
18 achieving the objectives of this section.

19 **“SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR**  
20 **LEGAL ASSISTANCE FOR OLDER INDIVID-**  
21 **UALS.**

22           “(a) PROGRAM AUTHORIZED.—The Assistant Sec-  
23 retary shall make grants and enter into contracts, in order  
24 to—

1           “(1) provide a national legal assistance support  
2           system (operated by one or more grantees or con-  
3           tractors) of activities to State and area agencies on  
4           aging for providing, developing, or supporting legal  
5           assistance for older individuals, including—

6                   “(A) case consultations;

7                   “(B) training;

8                   “(C) provision of substantive legal advice  
9           and assistance; and

10                   “(D) assistance in the design, implementa-  
11           tion, and administration of legal assistance de-  
12           livery systems to local providers of legal assist-  
13           ance for older individuals; and

14           “(2) support demonstration projects to expand  
15           or improve the delivery of legal assistance to older  
16           individuals with social or economic needs.

17           “(b) ASSURANCES.—Any grants or contracts  
18           made under subsection (a)(2) shall contain assurances  
19           that the requirements of section 307(a)(11) are met.

20           “(c) ASSISTANCE.—To carry out subsection  
21           (a)(1), the Assistant Secretary shall make grants to or  
22           enter into contracts with national nonprofit organizations  
23           experienced in providing support and technical assistance  
24           on a nationwide basis to States, area agencies on aging,  
25           legal assistance providers, ombudsmen, elder abuse pre-

1 vention programs, and other organizations interested in  
2 the legal rights of older individuals.

3 **“SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION**  
4 **PROJECTS.**

5 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-  
6 retary shall award grants to not fewer than 3 and not  
7 more than 10 States to conduct demonstrations and evalu-  
8 ate cooperative projects between the State long-term care  
9 ombudsman program, legal assistance agencies, and the  
10 State protection and advocacy systems for individuals with  
11 developmental disabilities and individuals with mental ill-  
12 ness, established under part C of the Developmental Dis-  
13 abilities Assistance and Bill of Rights Act (42 U.S.C.  
14 6041 et seq.) and under the Protection and Advocacy for  
15 Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et  
16 seq.).

17 “(b) REPORT.—The Assistant Secretary shall pre-  
18 pare and submit to Congress a report containing the re-  
19 sults of the evaluation required by subsection (a). Such  
20 report shall contain such recommendations as the Assist-  
21 ant Secretary determines to be appropriate.

22 **“PART B—GENERAL PROVISIONS**

23 **“SEC. 431. PAYMENT OF GRANTS.**

24 “(a) CONTRIBUTIONS.—To the extent the Assistant  
25 Secretary determines a contribution to be appropriate, the

1 Assistant Secretary shall require the recipient of any grant  
2 or contract under this title to contribute money, facilities,  
3 or services for carrying out the project for which such  
4 grant or contract was made.

5       “(b) PAYMENTS.—Payments under this title pur-  
6 suant to a grant or contract may be made (after nec-  
7 essary adjustment, in the case of grants, on account of  
8 previously made overpayments or underpayments) in ad-  
9 vance or by way of reimbursement, and in such install-  
10 ments and on such conditions, as the Assistant Secretary  
11 may determine.

12       “(c) CONSULTATION.—The Assistant Secretary  
13 shall make no grant or contract under this title in any  
14 State that has established or designated a State agency  
15 for purposes of title III unless the Assistant Secretary—

16           “(1) consults with the State agency prior to  
17 issuing the grant or contract; and

18           “(2) informs the State agency of the purposes  
19 of the grant or contract when the grant or contract  
20 is issued.

21 **“SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

22       “(a) IN GENERAL.—The Assistant Secretary shall be  
23 responsible for the administration, implementation, and  
24 making of grants and contracts under this title and shall

1 not delegate authority under this title to any other indi-  
2 vidual, agency, or organization.

3 “(b) REPORT.—

4 “(1) IN GENERAL.—Not later than January 1  
5 following each fiscal year, the Assistant Secretary  
6 shall submit, to the Speaker of the House of Rep-  
7 resentatives and the President pro tempore of the  
8 Senate, a report for such fiscal year that describes  
9 each project and each program—

10 “(A) for which funds were provided under  
11 this title; and

12 “(B) that was completed in the fiscal year  
13 for which such report is prepared.

14 “(2) CONTENTS.—Such report shall contain—

15 “(A) the name or descriptive title of each  
16 project or program;

17 “(B) the name and address of the indi-  
18 vidual or governmental entity that conducted  
19 such project or program;

20 “(C) a specification of the period through-  
21 out which such project or program was con-  
22 ducted;

23 “(D) the identity of each source of funds  
24 expended to carry out such project or program

1           and the amount of funds provided by each such  
2           source;

3           “(E) an abstract describing the nature and  
4           operation of such project or program; and

5           “(F) a bibliography identifying all pub-  
6           lished information relating to such project or  
7           program.

8           “(c) EVALUATIONS.—

9           “(1) IN GENERAL.—The Assistant Secretary  
10          shall establish by regulation and implement a proc-  
11          ess to evaluate the results of projects and programs  
12          carried out under this title.

13          “(2) RESULTS.—The Assistant Secretary  
14          shall—

15                 “(A) make available to the public the re-  
16                 sults of each evaluation carried out under para-  
17                 graph (1); and

18                 “(B) use such evaluation to improve serv-  
19                 ices delivered, or the operation of projects and  
20                 programs carried out, under this Act.”.

1 **TITLE V—AMENDMENT TO TITLE**  
2 **V OF THE OLDER AMERICANS**  
3 **ACT OF 1965**

4 **SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERI-**  
5 **CANS ACT OF 1965.**

6 Title V of the Older Americans Act of 1965 (42  
7 U.S.C. 3056 et seq.) is amended to read as follows:

8 **“TITLE V—COMMUNITY SERVICE**  
9 **EMPLOYMENT FOR OLDER**  
10 **AMERICANS**

11 **“SEC. 501. SHORT TITLE.**

12 “This title may be cited as the ‘Older American Com-  
13 munity Service Employment Act’.

14 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**  
15 **PLOYMENT PROGRAM.**

16 “(a) In order to foster and promote useful part-time  
17 opportunities in community service activities for unem-  
18 ployed low-income persons who are 55 years or older and  
19 who have poor employment prospects, and in order to fos-  
20 ter individual economic self-sufficiency and to increase the  
21 number of persons who may enjoy the benefits of unsub-  
22 sidized employment in both the public and private sectors,  
23 the Secretary of Labor (hereinafter in this title referred  
24 to as the ‘Secretary’) is authorized to establish an older  
25 American community service employment program.

1       “(b)(1) In order to carry out the provisions of this  
2 title, the Secretary is authorized to enter into agreements,  
3 subject to section 514, with State and national public and  
4 private nonprofit agencies and organizations, agencies of  
5 a State government or a political subdivision of a State  
6 (having elected or duly appointed governing officials), or  
7 a combination of such political subdivisions, or tribal orga-  
8 nizations in order to further the purposes and goals of  
9 the program. Such agreements may include provisions for  
10 the payment of costs, as provided in subsection (c) of this  
11 section, of projects developed by such organizations and  
12 agencies in cooperation with the Secretary in order to  
13 make the program effective or to supplement the program.  
14 No payment shall be made by the Secretary toward the  
15 cost of any project established or administered by any or-  
16 ganization or agency unless the Secretary determines that  
17 such project—

18               “(A) will provide employment only for eligible  
19 individuals except for necessary technical, adminis-  
20 trative, and supervisory personnel, but such per-  
21 sonnel shall, to the fullest extent possible, be re-  
22 cruited from among eligible individuals;

23               “(B)(i) will provide employment for eligible in-  
24 dividuals in the community in which such individuals  
25 reside, or in nearby communities; or

1           “(ii) if such project is carried out by a tribal or-  
2           ganization that enters into an agreement under this  
3           subsection or receives assistance from a State that  
4           enters into such an agreement, will provide employ-  
5           ment for such individuals, including those who are  
6           Indians residing on an Indian reservation, as the  
7           term is defined in section 2601(2) of the Energy  
8           Policy Act of 1992 (25 U.S.C. 3501(2));

9           “(C) will employ eligible individuals in service  
10          related to publicly owned and operated facilities and  
11          projects, or projects sponsored by organizations,  
12          other than political parties, exempt from taxation  
13          under the provisions of section 501(c)(3) of the In-  
14          ternal Revenue Code of 1986, except projects involv-  
15          ing the construction, operation, or maintenance of  
16          any facility used or to be used as a place for sec-  
17          tarian religious instruction or worship;

18          “(D) will contribute to the general welfare of  
19          the community;

20          “(E) will provide employment for eligible indi-  
21          viduals;

22          “(F)(i) will result in an increase in employment  
23          opportunities over those opportunities which would  
24          otherwise be available;

1           “(ii) will not result in the displacement of cur-  
2           rently employed workers (including partial displace-  
3           ment, such as a reduction in the hours of non-  
4           overtime work or wages or employment benefits);  
5           and

6           “(iii) will not impair existing contracts or result  
7           in the substitution of Federal funds for other funds  
8           in connection with work that would otherwise be per-  
9           formed;

10          “(G) will not employ or continue to employ any  
11          eligible individual to perform work the same or sub-  
12          stantially the same as that performed by any other  
13          person who is on layoff;

14          “(H) will utilize methods of recruitment and se-  
15          lection (including participating in a one-stop delivery  
16          system as established under section 134(c) of the  
17          Workforce Investment Act of 1998 (29 U.S.C.  
18          2864(c)) and listing of job vacancies with the em-  
19          ployment agency operated by any State or political  
20          subdivision thereof) which will assure that the max-  
21          imum number of eligible individuals will have an op-  
22          portunity to participate in the project;

23          “(I) will include such training as may be nec-  
24          essary to make the most effective use of the skills  
25          and talents of those individuals who are partici-

1       pating, and will provide for the payment of the rea-  
2       sonable expenses of individuals being trained, includ-  
3       ing a reasonable subsistence allowance;

4           “(J) will assure that safe and healthy condi-  
5       tions of work will be provided, and will assure that  
6       persons employed in community service and other  
7       jobs assisted under this title shall be paid wages  
8       which shall not be lower than whichever is the high-  
9       est of—

10           “(i) the minimum wage which would be ap-  
11       plicable to the employee under the Fair Labor  
12       Standards Act of 1938, if section 6(a)(1) of  
13       such Act applied to the participant and if the  
14       participant were not exempt under section 13  
15       thereof;

16           “(ii) the State or local minimum wage for  
17       the most nearly comparable covered employ-  
18       ment; or

19           “(iii) the prevailing rates of pay for per-  
20       sons employed in similar public occupations by  
21       the same employer;

22           “(K) will be established or administered with  
23       the advice of persons competent in the field of serv-  
24       ice in which employment is being provided, and of

1 persons who are knowledgeable with regard to the  
2 needs of older persons;

3 “(L) will authorize pay for necessary transpor-  
4 tation costs of eligible individuals which may be in-  
5 curred in employment in any project funded under  
6 this title, in accordance with regulations promul-  
7 gated by the Secretary;

8 “(M) will assure that, to the extent feasible,  
9 such project will serve the needs of minority, limited  
10 English-speaking, and Indian eligible individuals,  
11 and eligible individuals who have the greatest eco-  
12 nomic need, at least in proportion to their numbers  
13 in the State and take into consideration their rates  
14 of poverty and unemployment;

15 “(N)(i) will prepare an assessment of the par-  
16 ticipants’ skills and talents and their needs for serv-  
17 ices, except to the extent such project has, for the  
18 participant involved, recently prepared an assess-  
19 ment of such skills and talents, and such needs, pur-  
20 suant to another employment or training program  
21 (such as a program under the Workforce Investment  
22 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.  
23 Perkins Vocational and Technical Education Act of  
24 1998 (20 U.S.C. 2301 et seq.), or part A of title IV  
25 of the Social Security Act (42 U.S.C. 601 et seq.));

1           “(ii) will provide to eligible individuals training  
2           and employment counseling based on strategies that  
3           identify appropriate employment objectives and the  
4           need for supportive services, developed as a result of  
5           the assessment and service strategy provided for in  
6           clause (i); and

7           “(iii) will provide counseling to participants on  
8           their progress in meeting such objectives and satis-  
9           fying their need for supportive services;

10          “(O) will provide appropriate services for par-  
11          ticipants through the one-stop delivery system as es-  
12          tablished under section 134(c) of the Workforce In-  
13          vestment Act of 1998 (29 U.S.C. 2864(c)), and will  
14          be involved in the planning and operations of such  
15          system pursuant to a memorandum of under-  
16          standing with the local workforce investment board  
17          in accordance with section 121(c) of such Act (29  
18          U.S.C. 2841(c));

19          “(P) will post in such project workplace a no-  
20          tice, and will make available to each person associ-  
21          ated with such project a written explanation, clari-  
22          fying the law with respect to allowable and unallow-  
23          able political activities under chapter 15 of title 5,  
24          United States Code, applicable to the project and to  
25          each category of individuals associated with such

1 project and containing the address and telephone  
2 number of the Inspector General of the Department  
3 of Labor, to whom questions regarding the applica-  
4 tion of such chapter may be addressed;

5 “(Q) will provide to the Secretary the descrip-  
6 tion and information described in paragraphs (8)  
7 and (14) of section 112(b) of the Workforce Invest-  
8 ment Act of 1998; and

9 “(R) will ensure that entities carrying out ac-  
10 tivities under the project, including State offices,  
11 local offices, subgrantees, subcontractors, or other  
12 affiliates of such organization or agency shall receive  
13 an amount of the administration cost allocation that  
14 is sufficient for the administrative activities under  
15 the project to be carried out by such State office,  
16 local office, subgrantee, subcontractor, or other affil-  
17 iate.

18 “(2) The Secretary is authorized to establish, issue,  
19 and amend such regulations as may be necessary to effec-  
20 tively carry out the provisions of this title.

21 “(3) The Secretary shall develop alternatives for in-  
22 novative work modes and provide technical assistance in  
23 creating job opportunities through work sharing and other  
24 experimental methods to labor organizations, groups rep-

1 resenting business and industry and workers as well as  
2 to individual employers, where appropriate.

3       “(4)(A) An assessment and service strategy provided  
4 for an eligible individual under this title shall satisfy any  
5 condition for an assessment and service strategy or indi-  
6 vidual employment plan for an adult participant under  
7 subtitle B of title I of the Workforce Investment Act of  
8 1998 (29 U.S.C. 2811 et seq.), in order to determine  
9 whether such individual qualifies for intensive or training  
10 services described in section 134(d) of such Act (29 U.S.C.  
11 2864(d)), in accordance with such Act.

12       “(B) An assessment and service strategy or indi-  
13 vidual employment plan provided for an adult participant  
14 under subtitle B of title I of the Workforce Investment  
15 Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any  
16 condition for an assessment and service strategy for an  
17 eligible individual under this title.

18       “(c)(1) The Secretary is authorized to pay a share,  
19 but not to exceed 90 percent of the cost of any project  
20 which is the subject of an agreement entered into under  
21 subsection (b) of this section, except that the Secretary  
22 is authorized to pay all of the costs of any such project  
23 which is—

24               “(A) an emergency or disaster project; or

1           “(B) a project located in an economically de-  
2           pressed area;  
3 as determined by the Secretary in consultation with the  
4 Secretary of Commerce and the Secretary of Health and  
5 Human Services.

6           “(2) The non-Federal share shall be in cash or in  
7 kind. In determining the amount of the non-Federal share,  
8 the Secretary is authorized to attribute fair market value  
9 to services and facilities contributed from non-Federal  
10 sources.

11          “(3) Of the amount for any project to be paid by the  
12 Secretary under this subsection, not more than 13.5 per-  
13 cent for any fiscal year shall be available for paying the  
14 costs of administration for such project, except that—

15           “(A) whenever the Secretary determines that it  
16 is necessary to carry out the project assisted under  
17 this title, based on information submitted by the  
18 public or private nonprofit agency or organization  
19 with which the Secretary has an agreement under  
20 subsection (b), the Secretary may increase the  
21 amount available for paying the cost of administra-  
22 tion to an amount not more than 15 percent of the  
23 cost of such project; and

24           “(B) whenever the public or private nonprofit  
25 agency or organization with which the Secretary has

1 an agreement under subsection (b) demonstrates to  
2 the Secretary that—

3 “(i) major administrative cost increases  
4 are being incurred in necessary program compo-  
5 nents, including liability insurance, payments  
6 for workers’ compensation, costs associated  
7 with achieving unsubsidized placement goals,  
8 and other operation requirements imposed by  
9 the Secretary;

10 “(ii) the number of employment positions  
11 in the project or the number of minority eligible  
12 individuals participating in the project will de-  
13 cline if the amount available for paying the cost  
14 of administration is not increased; or

15 “(iii) the size of the project is so small that  
16 the amount of administrative expenses incurred  
17 to carry out the project necessarily exceeds 13.5  
18 percent of the amount for such project;

19 the Secretary shall increase the amount available for  
20 the fiscal year for paying the cost of administration  
21 to an amount not more than 15 percent of the cost  
22 of such project.

23 “(4) The costs of administration are the costs, both  
24 personnel and non-personnel and both direct and indirect,  
25 associated with the following:

1           “(A) The costs of performing overall general  
2           administrative functions and providing for the co-  
3           ordination of functions, such as—

4                   “(i) accounting, budgeting, financial, and  
5                   cash management functions;

6                   “(ii) procurement and purchasing func-  
7                   tions;

8                   “(iii) property management functions;

9                   “(iv) personnel management functions;

10                  “(v) payroll functions;

11                  “(vi) coordinating the resolution of find-  
12                  ings arising from audits, reviews, investigations,  
13                  and incident reports;

14                  “(vii) audit functions;

15                  “(viii) general legal services functions; and

16                  “(ix) developing systems and procedures,  
17                  including information systems, required for  
18                  these administrative functions.

19           “(B) The costs of performing oversight and  
20           monitoring responsibilities related to administrative  
21           functions.

22           “(C) The costs of goods and services required  
23           for administrative functions of the program, includ-  
24           ing goods and services such as rental or purchase of

1 equipment, utilities, office supplies, postage, and  
2 rental and maintenance of office space.

3 “(D) The travel costs incurred for official busi-  
4 ness in carrying out administrative activities or over-  
5 all management.

6 “(E) The costs of information systems related  
7 to administrative functions (for example, personnel,  
8 procurement, purchasing, property management, ac-  
9 counting, and payroll systems) including the pur-  
10 chase, systems development, and operating costs of  
11 such systems.

12 “(5)(A) To the extent practicable, an entity that car-  
13 ries out a project under this title shall provide for the pay-  
14 ment of the expenses described in this paragraph from  
15 non-Federal sources.

16 “(B)(i) Except as provided in clause (ii), no State,  
17 tribal organization, or public or private nonprofit agency  
18 or organization that receives a grant under this title and  
19 enters into an agreement to provide services under this  
20 title, may retain more than 13.5 percent of the funds  
21 made available through the grant to pay for administrative  
22 costs.

23 “(ii) The Secretary may waive the requirement de-  
24 scribed in clause (i) in an appropriate case and allow a  
25 State or organization described in such clause to retain

1 not more than 15 percent of the funds made available  
2 through the grant for such costs.

3 “(6)(A) Amounts made available for a project to be  
4 paid under this subsection, not otherwise obligated under  
5 this title, shall be used to pay for the costs of pro-  
6 grammatic activities, including—

7 “(i) enrollee wages and fringe benefits (includ-  
8 ing physical examinations);

9 “(ii) enrollee training, which may be provided  
10 prior to or subsequent to placement, including the  
11 payment of reasonable costs of instructors, class-  
12 room rental, training supplies, materials, equipment,  
13 and tuition, and which may be provided on the job,  
14 in a classroom setting, or pursuant to other appro-  
15 priate arrangements;

16 “(iii) job placement assistance, including job de-  
17 velopment and job search assistance;

18 “(iv) enrollee supportive services to assist an  
19 enrollee to successfully participate in a project under  
20 this title, including the payment of reasonable costs  
21 of transportation, health care and medical services,  
22 special job-related or personal counseling, incidentals  
23 (such as work shoes, badges, uniforms, eyeglasses,  
24 and tools), child and adult care, temporary shelter,  
25 and followup services; and

1           “(v) outreach, recruitment and selection, intake,  
2           orientation, and assessments.

3           “(B) Not less than 75 percent of the funds made  
4           available through a grant made under this title shall be  
5           used to pay wages and benefits for older individuals who  
6           are employed under projects carried out under this title.

7           “(d) Whenever a grantee conducts a project within  
8           a planning and service area in a State, such grantee shall  
9           conduct such project in consultation with the area agency  
10          on aging of the planning and service area and shall submit  
11          to the State agency and the area agency on aging a de-  
12          scription of such project to be conducted in the State, in-  
13          cluding the location of the project, 90 days prior to under-  
14          taking the project, for review and public comment accord-  
15          ing to guidelines the Secretary shall issue to assure effi-  
16          cient and effective coordination of programs under this  
17          title.

18          “(e)(1) The Secretary, in addition to any other au-  
19          thority contained in this title, shall conduct projects de-  
20          signed to assure second career training and the placement  
21          of eligible individuals in employment opportunities with  
22          private business concerns. The Secretary shall enter into  
23          such agreements with States, public agencies, nonprofit  
24          private organizations, and private business concerns as  
25          may be necessary, to conduct the projects authorized by

1 this subsection to assure that placement and training. The  
2 Secretary, from amounts reserved under section  
3 506(a)(2)(A) in any fiscal year, may pay all of the costs  
4 of any agreements entered into under the provisions of  
5 this subsection. The Secretary shall, to the extent feasible,  
6 assure equitable geographic distribution of projects au-  
7 thorized by this subsection.

8 “(2) The Secretary shall issue, and amend from time  
9 to time, criteria designed to assure that agreements en-  
10 tered into under paragraph (1) of this subsection—

11 “(A) will involve different kinds of work modes,  
12 such as flex-time, job sharing, and other arrange-  
13 ments relating to reduced physical exertion;

14 “(B) will emphasize projects involving second  
15 careers and job placement and give consideration to  
16 placement in growth industries in jobs reflecting new  
17 technological skills; and

18 “(C) require the coordination of projects carried  
19 out under such agreements, with the programs car-  
20 ried out under title I of the Workforce Investment  
21 Act of 1998.

22 “(f) The Secretary shall, on a regular basis, carry out  
23 evaluations of the activities authorized under this title,  
24 which may include but are not limited to projects de-  
25 scribed in subsection (e).

1   **“SEC. 503. ADMINISTRATION.**

2       “(a) STATE SENIOR EMPLOYMENT SERVICES CO-  
3   ORDINATION PLAN.—

4           “(1) GOVERNOR SUBMITS PLAN.—The Gov-  
5       ernor of each State shall submit annually to the Sec-  
6       retary a State Senior Employment Services Coordi-  
7       nation Plan, containing such provisions as the Sec-  
8       retary may require, consistent with the provisions of  
9       this title, including a description of the process used  
10      to ensure the participation of individuals described  
11      in paragraph (2).

12          “(2) RECOMMENDATIONS.—In developing the  
13      State plan prior to its submission to the Secretary,  
14      the Governor shall obtain the advice and rec-  
15      ommendations of—

16           “(A) individuals representing the State  
17           and area agencies on aging in the State, and  
18           the State and local workforce investment  
19           boards;

20           “(B) individuals representing public and  
21           private nonprofit agencies and organizations  
22           providing employment services, including each  
23           grantee operating a project under this title in  
24           the State; and

25           “(C) individuals representing social service  
26           organizations providing services to older individ-

1 uals, grantees under title III of this Act, af-  
2 fected communities, underserved older individ-  
3 uals, community-based organizations serving  
4 the needs of older individuals, business organi-  
5 zations, and labor organizations.

6 “(3) COMMENTS.—Any State plan submitted by  
7 a Governor in accordance with paragraph (1) shall  
8 be accompanied by copies of public comments relat-  
9 ing to the plan received pursuant to paragraph (4)  
10 and a summary thereof.

11 “(4) PLAN PROVISIONS.—The State Senior Em-  
12 ployment Services Coordination Plan shall identify  
13 and address—

14 “(A) the relationship that the number of  
15 eligible individuals in each area bears to the  
16 total number of eligible individuals, respectively,  
17 in that State;

18 “(B) the relative distribution of individuals  
19 residing in rural and urban areas within the  
20 State;

21 “(C) the relative distribution of—

22 “(i) eligible individuals who are indi-  
23 viduals with greatest economic need;

24 “(ii) eligible individuals who are mi-  
25 norities individuals; and

1 “(iii) eligible individuals who are indi-  
2 viduals with greatest social need;

3 “(D) consideration of the employment situ-  
4 ations and the type of skills possessed by local  
5 eligible individuals;

6 “(E) the localities and populations in  
7 which community service projects of the type  
8 authorized by this title are most needed; and

9 “(F) plans for facilitating the coordination  
10 of activities of grantees in the State under this  
11 title with activities in the State under title I of  
12 the Workforce Investment Act of 1998.

13 “(5) GOVERNOR’S RECOMMENDATIONS ON  
14 GRANT PROPOSALS.—Prior to the submission to the  
15 Secretary of any proposal for a grant under this title  
16 for any fiscal year, the Governor of each State in  
17 which projects are proposed to be conducted under  
18 such grant shall be afforded a reasonable oppor-  
19 tunity to submit recommendations to the  
20 Secretary—

21 “(A) regarding the anticipated effect of  
22 each such proposal upon the overall distribution  
23 of enrollment positions under this title within  
24 the State (including such distribution among  
25 urban and rural areas), taking into account the

1 total number of positions to be provided by all  
2 grantees within the State;

3 “(B) any recommendations for redistribu-  
4 tion of positions to under-served areas as va-  
5 cancies occur in previously encumbered posi-  
6 tions in other areas; and

7 “(C) in the case of any increase in funding  
8 that may be available for use within the State  
9 under this title for any fiscal year, any rec-  
10 ommendations for distribution of newly avail-  
11 able positions in excess of those available dur-  
12 ing the preceding year to under-served areas.

13 “(6) DISRUPTIONS.—In developing plans and  
14 considering recommendations under this subsection,  
15 disruptions in the provision of community service  
16 employment opportunities for current enrollees shall  
17 be avoided, to the greatest possible extent.

18 “(7) DETERMINATION; REVIEW.—

19 “(A) DETERMINATION.—In order to effec-  
20 tively carry out the provisions of this title, each  
21 State shall make available for public comment  
22 its senior employment services coordination  
23 plan. The Secretary, in consultation with the  
24 Assistant Secretary, shall review the plan and  
25 public comments received on the plan, and

1           make a written determination with findings and  
2           a decision regarding the plan.

3           “(B) REVIEW.—The Secretary may review on  
4           the Secretary’s own initiative or at the request of  
5           any public or private agency or organization, or an  
6           agency of the State government, the distribution of  
7           projects and services under this title within the  
8           State including the distribution between urban and  
9           rural areas within the State. For each proposed re-  
10          allocation of projects or services within a State, the  
11          Secretary shall give notice and opportunity for pub-  
12          lic comment.

13          “(8) EXEMPTION.—The grantees serving older  
14          American Indians under section 506(a)(3) will not  
15          be required to participate in the State planning  
16          processes described in this section but will collabo-  
17          rate with the Secretary to develop a plan for projects  
18          and services to older American Indians.

19          “(b)(1) The Secretary of Labor and the Assistant  
20          Secretary shall coordinate the programs under this title  
21          and the programs under other titles of this Act to increase  
22          job opportunities available to older individuals.

23          “(2) The Secretary shall coordinate the program as-  
24          sisted under this title with programs authorized under the  
25          Workforce Investment Act of 1998, the Community Serv-

1 ices Block Grant Act, and the Rehabilitation Act Amend-  
2 ments of 1998, the Carl D. Perkins Vocational and Tech-  
3 nical Education Act of 1998 (20 U.S.C. 2301 et seq.),  
4 the National and Community Service Act of 1990 (42  
5 U.S.C. 12501 et seq.), and the Domestic Volunteer Service  
6 Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall  
7 coordinate the administration of this title with the admin-  
8 istration of other titles of this Act by the Assistant Sec-  
9 retary to increase the likelihood that eligible individuals  
10 for whom employment opportunities under this title are  
11 available and who need services under such titles receive  
12 such services. Appropriations under this title shall not be  
13 used to carry out any program under the Workforce In-  
14 vestment Act of 1998, the Community Services Block  
15 Grant Act, or the Rehabilitation Act Amendments Of  
16 1998, the Carl D. Perkins Vocational and Technical Edu-  
17 cation Act of 1998, the National and Community Service  
18 Act of 1999, or the Domestic Volunteer Service Act of  
19 1973. The preceding sentence shall not be construed to  
20 prohibit carrying out projects under this title jointly with  
21 programs, projects, or activities under any Act specified  
22 in such sentence, or from carrying out section 512.

23 “(3) The Secretary shall distribute to grantees under  
24 this title, for distribution to program enrollees, and at no  
25 cost to grantees or enrollees, informational materials de-

1 veloped and supplied by the Equal Employment Oppor-  
2 tunity Commission and other appropriate Federal agencies  
3 which the Secretary determines are designed to help en-  
4 rollees identify age-discrimination and understand their  
5 rights under the Age Discrimination in Employment Act  
6 of 1967.

7       “(c) In carrying out the provisions of this title, the  
8 Secretary is authorized to use, with their consent, the  
9 services, equipment, personnel, and facilities of Federal  
10 and other agencies with or without reimbursement, and  
11 on a similar basis to cooperate with other public and pri-  
12 vate agencies and instrumentalities in the use of services,  
13 equipment, and facilities.

14       “(d) Payments under this title may be made in ad-  
15 vance or by way of reimbursement and in such install-  
16 ments as the Secretary may determine.

17       “(e) The Secretary shall not delegate any function of  
18 the Secretary under this title to any other department or  
19 agency of the Federal Government.

20       “(f)(1) The Secretary shall monitor projects receiving  
21 financial assistance under this title to determine whether  
22 the grantees are complying with the provisions of and reg-  
23 ulations issued under this title, including compliance with  
24 the statewide planning, consultation, and coordination  
25 provisions under this title.

1       “(2) Each grantee receiving funds under this title  
2 shall comply with the applicable uniform cost principles  
3 and appropriate administrative requirements for grants  
4 and contracts that are applicable to the type of entity re-  
5 ceiving funds, as issued as circulars or rules of the Office  
6 of Management and Budget.

7       “(3) Each grantee described in paragraph (2) shall  
8 prepare and submit a report in such manner and con-  
9 taining such information as the Secretary may require re-  
10 garding activities carried out under this title.

11       “(4) Each grantee described in paragraph (2) shall  
12 keep records that—

13               “(A) are sufficient to permit the preparation of  
14 reports required pursuant to this title;

15               “(B) are sufficient to permit the tracing of  
16 funds to a level of expenditure adequate to ensure  
17 that the funds have not been spent unlawfully; and

18               “(C) contain any other information that the  
19 Secretary determines to be appropriate.

20       “(g) The Secretary shall establish by regulation and  
21 implement a process to evaluate the performance of  
22 projects and services, pursuant to section 513, carried out  
23 under this title. The Secretary shall report to Congress  
24 and make available to the public the results of each such  
25 evaluation and use such evaluation to improve services de-

1   livered, or the operation of projects carried out under this  
2   title.

3   **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

4       “(a) Eligible individuals who are employed in any  
5   project funded under this title shall not be considered to  
6   be Federal employees as a result of such employment and  
7   shall not be subject to the provisions of part III of title  
8   5, United States Code.

9       “(b) No contract shall be entered into under this title  
10   with a contractor who is, or whose employees are, under  
11   State law, exempted from operation of the State work-  
12   men’s compensation law, generally applicable to employ-  
13   ees, unless the contractor shall undertake to provide either  
14   through insurance by a recognized carrier or by self-insur-  
15   ance, as authorized by State law, that the persons em-  
16   ployed under the contract shall enjoy workmen’s com-  
17   pensation coverage equal to that provided by law for cov-  
18   ered employment.

19   **“SEC. 505. INTERAGENCY COOPERATION.**

20       “(a) The Secretary shall consult with, and obtain the  
21   written views of, the Assistant Secretary for Aging in the  
22   Department of Health and Human Services prior to the  
23   establishment of rules or the establishment of general pol-  
24   icy in the administration of this title.

1       “(b) The Secretary shall consult and cooperate with  
2 the Director of the Office of Community Services, the Sec-  
3 retary of Health and Human Services, and the heads of  
4 other Federal agencies carrying out related programs, in  
5 order to achieve optimal coordination with such other pro-  
6 grams. In carrying out the provisions of this section, the  
7 Secretary shall promote programs or projects of a similar  
8 nature. Each Federal agency shall cooperate with the Sec-  
9 retary in disseminating information relating to the avail-  
10 ability of assistance under this title and in promoting the  
11 identification and interests of individuals eligible for em-  
12 ployment in projects assisted under this title.

13       “(c)(1) The Secretary shall promote and coordinate  
14 carrying out projects under this title jointly with pro-  
15 grams, projects, or activities under other Acts, especially  
16 activities provided under the Workforce Investment Act of  
17 1998 (29 U.S.C. 2801 et seq.), including activities pro-  
18 vided through one-stop delivery systems established under  
19 section 134(c) of such Act (29 U.S.C. 2864(c)), that pro-  
20 vide training and employment opportunities to eligible in-  
21 dividuals.

22       “(2) The Secretary shall consult with the Secretary  
23 of Education to promote and coordinate carrying out  
24 projects under this title jointly with workforce investment  
25 activities in which eligible individuals may participate that

1 are carried out under the Carl D. Perkins Vocational and  
2 Technical Education Act of 1998.

3 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

4 “(a) RESERVATIONS.—

5 “(1) RESERVATION FOR PRIVATE EMPLOYMENT  
6 PROJECTS.—From sums appropriated under this  
7 title for each fiscal year, the Secretary shall first re-  
8 serve not more than 1.5 percent of the total amount  
9 of such sums for the purpose of entering into agree-  
10 ments under section 502(e), relating to improved  
11 transition to private employment.

12 “(2) RESERVATION FOR TERRITORIES.—From  
13 sums appropriated under this title for each fiscal  
14 year, the Secretary shall reserve not more than 0.75  
15 percent of the total amount of such sums, of  
16 which—

17 “(A) Guam, American Samoa, and the  
18 United States Virgin Islands shall each receive  
19 30 percent; and

20 “(B) the Commonwealth of the Northern  
21 Mariana Islands shall receive 10 percent.

22 “(3) RESERVATION FOR ORGANIZATIONS.—The  
23 Secretary shall reserve such sums as may be nec-  
24 essary for national grants with public or nonprofit  
25 national Indian aging organizations with the ability

1 to provide employment services to older Indians and  
2 with national public or nonprofit Pacific Island and  
3 Asian American aging organizations with the ability  
4 to provide employment to older Pacific Island and  
5 Asian Americans.

6 “(b) BASIC ALLOTMENTS.—

7 “(1) SUMS AVAILABLE.—From the sums appro-  
8 priated to carry out this title for any fiscal year that  
9 remain after amounts are reserved under paragraphs  
10 (1), (2), and (3) of subsection (a), the remaining  
11 amounts shall first be allocated in accordance with  
12 paragraph (2).

13 “(2) HOLD HARMLESS.—

14 “(A) MINIMUM ALLOTMENT.—In deter-  
15 mining State allotments under this section, the  
16 Secretary shall ensure that each State first re-  
17 ceives an allotment that is not less than the  
18 amount necessary to maintain the level of ac-  
19 tivities supported under this title within each  
20 State for fiscal year 2000.

21 “(B) ADJUSTMENTS TO ACHIEVE MINIMUM  
22 ALLOTMENT.—State allotments for a fiscal year  
23 under this section shall be proportionally re-  
24 duced to the extent that appropriations may be  
25 insufficient to provide the full allotments.

1           “(C) LIMITATION.—Of the amount allotted  
2           to a State under this section—

3                   “(i) public and private nonprofit agen-  
4                   cies and organizations that are operating  
5                   under this title under national grants or  
6                   contracts with the Secretary shall collec-  
7                   tively receive a total amount that is not  
8                   less than the amount necessary to main-  
9                   tain the level of activities supported by  
10                  such organizations under this title within  
11                  the State for fiscal year 2000 (or the  
12                  amount remaining after the application of  
13                  section 514(e)); and

14                   “(ii) the State grantee shall receive an  
15                   allotment that is not less than the amount  
16                   necessary to maintain the level of activities  
17                   supported by the State under this title (or  
18                   the amount remaining after the application  
19                   of section 514(f)) from the total amount it  
20                   received for fiscal year 2000 from the Sec-  
21                   retary.

22                  “(D) INCREASES IN APPROPRIATIONS.—  
23                  For each fiscal year for which the amount of  
24                  appropriations for activities under this title,  
25                  after reserving amounts to carry out para-

1           graphs (1), (2), and (3) of subsection (a), ex-  
2           ceeds the amount necessary to carry out sub-  
3           paragraph (C) of this subsection for fiscal year  
4           2000 for activities under this title, the Sec-  
5           retary shall allocate such excess in the following  
6           manner:

7                   “(i) The first \$35,000,000 of such ex-  
8                   cess shall be allocated with 75 percent pro-  
9                   vided to the States and 25 percent pro-  
10                  vided to public and private nonprofit agen-  
11                  cies and organizations that are operating  
12                  under this title under national grants or  
13                  contracts with the Secretary.

14                  “(ii) Any amounts above the first  
15                  \$35,000,000 of such excess shall be allo-  
16                  cated with 50 percent provided to the  
17                  States and 50 percent provided to public  
18                  and private nonprofit agencies and organi-  
19                  zations that are operating under this title  
20                  under national grants or contracts with the  
21                  Secretary.

22           “(c) STATE ALLOTMENTS OF REMAINING SUMS.—  
23   From the sums appropriated to carry out this title for any  
24   fiscal year that remain after amounts are reserved under  
25   paragraphs (1), (2), and (3) of subsection (a) and under

1 subsection (b)(2)(C), the Secretary shall allot to each  
2 State.

3 “(d) STATE ALLOTMENT FORMULA.—(To be sup-  
4 plied)

5 “(e) DEFINITIONS.—In this section:

6 “(1) COST PER AUTHORIZED POSITION.—The  
7 term ‘cost per authorized position’ means the sum  
8 of—

9 “(A) the hourly minimum wage rate speci-  
10 fied in section 6(a)(1) of the Fair Labor Stand-  
11 ards Act of 1938 (29 U.S.C. 206(a)(1)) (as  
12 amended), multiplied by the number of hours  
13 equal to the product of 21 hours and 52 weeks;

14 “(B) an amount equal to 11 percent of the  
15 amount specified under subparagraph (A), for  
16 the purpose of covering Federal payments for  
17 fringe benefits; and

18 “(C) an amount determined by the Sec-  
19 retary, for the purpose of covering Federal pay-  
20 ments for the remainder of all other program  
21 and administrative costs.

22 “(2) LEVEL OF ACTIVITIES.—The term ‘level of  
23 activities’ means the number of authorized positions  
24 multiplied by the cost per authorized position.

1           “(3) STATE.—The term ‘State’ does not include  
2       Guam, American Samoa, the Commonwealth of the  
3       Northern Mariana Islands, and the United States  
4       Virgin Islands.

5   **“SEC. 507. EQUITABLE DISTRIBUTION.**

6       “(a) INTERSTATE ALLOCATION.—The Secretary, in  
7       awarding grants and contracts under section 506, shall,  
8       to the extent feasible, assure an equitable distribution of  
9       activities under such grants and contracts, in the aggre-  
10      gate, among the States, taking into account the needs of  
11      underserved States.

12      “(b) INTRASTATE ALLOCATION.—The amount allo-  
13      cated for projects within each State under section 506  
14      shall be allocated among areas within the State in an equi-  
15      table manner, taking into consideration the State prior-  
16      ities set out in the State plan pursuant to section 503(a).

17   **“SEC. 508. REPORT.**

18      “‘In order to carry out the Secretary’s responsibilities  
19      for reporting in section 503(g), the Secretary shall require  
20      the State agency for each State receiving funds under this  
21      title to prepare and submit a report at the beginning of  
22      each fiscal year on such State’s compliance with section  
23      507(b). Such report shall include the names and geo-  
24      graphic location of all projects assisted under this title and

1 carried out in the State and the amount allocated to each  
2 such project under section 506.

3 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**  
4 **ING AND FOOD STAMP PROGRAMS.**

5 “Funds received by eligible individuals from projects  
6 carried out under the program established in this title  
7 shall not be considered to be income of such individuals  
8 for purposes of determining the eligibility of such individ-  
9 uals, or of any other persons, to participate in any housing  
10 program for which Federal funds may be available or for  
11 any income determination under the Food Stamp Act of  
12 1977.

13 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**  
14 **TIVITIES.**

15 “Eligible individuals under this title may be deemed  
16 by local workforce investment boards established under  
17 title I of the Workforce Investment Act of 1998 to satisfy  
18 the requirements for receiving services under such title  
19 that are applicable to adults.

20 **“SEC. 511. TREATMENT OF ASSISTANCE.**

21 “Assistance furnished under this title shall not be  
22 construed to be financial assistance described in section  
23 245A(h)(1)(A) of the Immigration and Nationality Act (8  
24 U.S.C. 1255A(h)(1)(A)).

1   **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**  
2                   **MENT ACT OF 1998.**

3           “(a) PARTNERS.—Grantees under this title shall be  
4 one-stop partners as described in subparagraphs (A) and  
5 (B)(vi) of section 121(b)(1) of the Workforce Investment  
6 Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop deliv-  
7 ery system established under section 134(c) of such Act  
8 (29 U.S.C. 2864(c)) for the appropriate local workforce  
9 investment areas, and shall carry out the responsibilities  
10 relating to such partners.

11          “(b) COORDINATION.—In local workforce investment  
12 areas where more than 1 grantee under this title provides  
13 services, the grantees shall coordinate their activities re-  
14 lated to the one-stop delivery system, and grantees shall  
15 be signatories of the memorandum of understanding es-  
16 tablished under section 121(c) of the Workforce Invest-  
17 ment Act of 1998 (29 U.S.C. 2841(c)).

18   **“SEC. 513. PERFORMANCE.**

19          “(a) MEASURES.—

20               “(1) ESTABLISHMENT OF MEASURES.—The  
21 Secretary shall establish, in consultation with grant-  
22 ees, subgrantees, and host agencies under this title,  
23 States, older individuals, area agencies on aging, and  
24 other organizations serving older individuals, per-  
25 formance measures for each grantee for projects and  
26 services carried out under this title.

1 “(2) CONTENT.—

2 “(A) COMPOSITION OF MEASURES.—The  
3 performance measures described in paragraph  
4 (1) shall consist of indicators of performance  
5 and levels of performance applicable to each in-  
6 dicator. The measures shall be designed to pro-  
7 mote continuous improvement in performance.

8 “(B) ADJUSTMENT.—The levels of per-  
9 formance described in subparagraph (A) appli-  
10 cable to a grantee shall be adjusted only with  
11 respect to the following factors:

12 “(i) High rates of unemployment, pov-  
13 erty, or welfare reciprocity in the areas  
14 served by a grantee, relative to other areas  
15 of the State or Nation.

16 “(ii) Significant downturns in the  
17 areas served by the grantee or in the na-  
18 tional economy.

19 “(iii) Significant numbers or propor-  
20 tions of enrollees with 1 or more barriers  
21 to employment served by a grantee relative  
22 to grantees serving other areas of the  
23 State or Nation.

24 “(C) PLACEMENT.—For all grantees, the  
25 Secretary shall establish a measure of perform-

1           ance of not less than 20 percent (adjusted in  
2           accordance with subparagraph (B)) for place-  
3           ment of enrollees into unsubsidized public or  
4           private employment as defined in subsection  
5           (c)(2).

6           “(3) PERFORMANCE EVALUATION OF PUBLIC  
7           OR PRIVATE NONPROFIT AGENCIES AND ORGANIZA-  
8           TIONS.—The Secretary shall annually establish na-  
9           tional performance measures for each public or pri-  
10          vate nonprofit agency or organization that is a  
11          grantee under this title, which shall be applicable to  
12          the grantee without regard to whether such grantee  
13          operates the program directly or through contracts,  
14          grants, or agreements with other entities. The per-  
15          formance of the grantees with respect to such meas-  
16          ures shall be evaluated in accordance with section  
17          514(e)(1) regarding performance of the grantees on  
18          a national basis, and in accordance with section  
19          514(e)(3) regarding the performance of the grantees  
20          in each State.

21          “(4) PERFORMANCE EVALUATION OF STATES.—  
22          The Secretary shall annually establish performance  
23          measures for each State that is a grantee under this  
24          title, which shall be applicable to the State grantee  
25          without regard to whether such grantee operates the

1 program directly or through contracts, grants, or  
2 agreements with other entities. The performance of  
3 the State grantees with respect to such measures  
4 shall be evaluated in accordance with section  
5 514(f)(4).

6 “(5) LIMITATION.—An agreement to be evalu-  
7 ated on the performance measures shall be a re-  
8 quirement for application for, and a condition of, all  
9 grants authorized by this title.

10 “(b) REQUIRED INDICATORS.—The indicators de-  
11 scribed in subsection (a) shall include—

12 “(1) the number of persons served, with par-  
13 ticular consideration given to individuals with great-  
14 est economic need, greatest social need, or poor em-  
15 ployment history or prospects, and individuals who  
16 are over the age of 60;

17 “(2) community services provided;

18 “(3) placement into and retention in unsub-  
19 sidized public or private employment;

20 “(4) satisfaction of the enrollees, employers,  
21 and their host agencies with their experiences and  
22 the services provided; and

23 “(5) any additional indicators of performance  
24 that the Secretary determines to be appropriate to  
25 evaluate services and performance.

1 “(c) DEFINITIONS OF INDICATORS.—

2 “(1) IN GENERAL.—The Secretary, after con-  
3 sultation with national and State grantees, rep-  
4 resentatives of business and labor organizations, and  
5 providers of services, shall, by regulation, issue defi-  
6 nitions of the indicators of performance described in  
7 subsection (b). Such definitions shall be consistent  
8 with the definitions contained in paragraph (2).

9 “(2) DEFINITIONS OF CERTAIN TERMS.—In  
10 this section:

11 “(A) PLACEMENT INTO PUBLIC OR PRI-  
12 VATE UNSUBSIDIZED EMPLOYMENT.—The term  
13 ‘placement into public or private unsubsidized  
14 employment’ means full- or part-time paid em-  
15 ployment in the public or private sector by an  
16 enrollee under this title for 30 days within a  
17 90-day period without the use of funds under  
18 this title or any other Federal or State employ-  
19 ment subsidy program, or the equivalent of  
20 such employment as measured by the earnings  
21 of an enrollee through the use of wage records  
22 or other appropriate methods.

23 “(B) RETENTION IN UNSUBSIDIZED EM-  
24 PLOYMENT.—The term ‘retention in unsub-  
25 subsidized employment’ means full- or part-time

1           paid employment in the public or private sector  
2           by an enrollee under this title for 6 months  
3           after the starting date of placement into unsub-  
4           sidized employment without the use of funds  
5           under this title or any other Federal or State  
6           employment subsidy program.

7           “(d) CORRECTIVE EFFORTS.—A State or other  
8   grantee that does not achieve the established levels of per-  
9   formance on the performance measures shall submit to the  
10   Secretary a plan of correction as described in subsection  
11   (e) or (f) of section 514 to achieve the established levels  
12   of performance.

13   **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**  
14                   **GRANT AWARDS.**

15           “(a) PROGRAM AUTHORIZED.—In accordance with  
16   section 502(b), the Secretary shall award grants to eligible  
17   applicants to carry out projects under this title for a pe-  
18   riod of 1 year, except that, after the promulgation of regu-  
19   lations for this title and the establishment of the perform-  
20   ance measures required by section 513(a), the Secretary  
21   shall award grants for a period of not to exceed 3 years.

22           “(b) ELIGIBLE APPLICANTS.—An applicant shall be  
23   eligible to receive a grant under subsection (a) in accord-  
24   ance with section 502(b)(1), and subsections (c) and (d).

1       “(c) CRITERIA.—The Secretary shall select the eligi-  
2 ble applicants to receive grants under subsection (a) based  
3 on the following:

4           “(1) The applicant’s ability to administer a pro-  
5 gram that serves the greatest number of eligible in-  
6 dividuals, giving particular consideration to individ-  
7 uals with greatest economic need, greatest social  
8 need, poor employment history or prospects, and  
9 over the age of 60.

10          “(2) The applicant’s ability to administer a pro-  
11 gram that provides employment for eligible individ-  
12 uals in the communities in which such individuals  
13 reside, or in nearby communities, that will con-  
14 tribute to the general welfare of the community.

15          “(3) The applicant’s ability to administer a pro-  
16 gram that moves eligible individuals into unsub-  
17 sidized employment.

18          “(4) The applicant’s ability to move individuals  
19 with multiple barriers to employment into unsub-  
20 sidized employment.

21          “(5) The applicant’s ability to coordinate with  
22 other organizations at the State and local level.

23          “(6) The applicant’s plan for fiscal manage-  
24 ment of the program to be administered with funds  
25 received under this section.

1           “(7) Any additional criteria that the Secretary  
2       deems appropriate in order to minimize disruption  
3       for current enrollees.

4       “(d) RESPONSIBILITY TESTS.—

5           “(1) IN GENERAL.—Before final selection of a  
6       grantee, the Secretary shall conduct a review of  
7       available records to assess the applicant agency or  
8       State’s overall responsibility to administer Federal  
9       funds.

10          “(2) REVIEW.—As part of the review described  
11       in paragraph (1), the Secretary may consider any in-  
12       formation, including the organization’s history with  
13       regard to the management of other grants.

14          “(3) FAILURE TO SATISFY TEST.—The failure  
15       to satisfy any 1 responsibility test that is listed in  
16       paragraph (4), except for those listed in subpara-  
17       graphs (A) and (B) of such paragraph, does not es-  
18       tablish that the organization is not responsible un-  
19       less such failure is substantial or persistent (for 2 or  
20       more consecutive years).

21          “(4) TEST.—The responsibility tests include re-  
22       view of the following factors:

23               “(A) Efforts by the organization to recover  
24               debts, after 3 demand letters have been sent,  
25               that are established by final agency action and

1 have been unsuccessful, or that there has been  
2 failure to comply with an approved repayment  
3 plan.

4 “(B) Established fraud or criminal activity  
5 of a significant nature within the organization.

6 “(C) Serious administrative deficiencies  
7 identified by the Secretary, such as failure to  
8 maintain a financial management system as re-  
9 quired by Federal regulations.

10 “(D) Willful obstruction of the audit proc-  
11 ess.

12 “(E) Failure to provide services to appli-  
13 cants as agreed to in a current or recent grant  
14 or to meet applicable performance measures.

15 “(F) Failure to correct deficiencies  
16 brought to the grantee’s attention in writing as  
17 a result of monitoring activities, reviews, assess-  
18 ments, or other activities.

19 “(G) Failure to return a grant closeout  
20 package or outstanding advances within 90  
21 days of the grant expiration date or receipt of  
22 closeout package, whichever is later, unless an  
23 extension has been requested and granted.

24 “(H) Failure to submit required reports.

1           “(I) Failure to properly report and dispose  
2 of government property as instructed by the  
3 Secretary.

4           “(J) Failure to have maintained effective  
5 cash management or cost controls resulting in  
6 excess cash on hand.

7           “(K) Failure to ensure that a subrecipient  
8 complies with its Office of Management and  
9 Budget Circular A-133 audit requirements  
10 specified at section 667.200(b) of title 20, Code  
11 of Federal Regulations.

12           “(L) Failure to audit a subrecipient within  
13 the required period.

14           “(M) Final disallowed costs in excess of 5  
15 percent of the grant or contract award if, in the  
16 judgment of the grant officer, the disallowances  
17 are egregious findings.

18           “(N) Failure to establish a mechanism to  
19 resolve a subrecipient’s audit in a timely fash-  
20 ion.

21           “(5) DETERMINATION.—Applicants that are de-  
22 termined to be not responsible shall not be selected  
23 as grantee.

1           “(6) DISALLOWED COSTS.—Interest on dis-  
2           allowed costs shall accrue in accordance with the  
3           Debt Collection Improvement Act of 1996.

4           “(e) NATIONAL PERFORMANCE MEASURES AND  
5           COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT  
6           AGENCIES AND ORGANIZATIONS.—

7           “(1) IN GENERAL.—Not later than 120 days  
8           after the end of each program year, the Secretary  
9           shall determine if each public or private nonprofit  
10          agency or organization that is a grantee has met the  
11          national performance measures established pursuant  
12          to section 513(a)(3).

13          “(2) TECHNICAL ASSISTANCE AND CORRECTIVE  
14          ACTION PLAN.—

15                 “(A) IN GENERAL.—If the Secretary deter-  
16                 mines that a grantee fails to meet the national  
17                 performance measures for a program year, the  
18                 Secretary shall provide technical assistance and  
19                 require such organization to submit a corrective  
20                 action plan not later than 160 days after the  
21                 end of the program year.

22                 “(B) CONTENT.—The plan shall detail the  
23                 steps the grantee will take to meet the national  
24                 performance measures in the next program  
25                 year.

1                   “(C) AFTER SECOND YEAR OF FAILURE.—

2                   If a grantee fails to meet the national perform-  
3                   ance measures for a second consecutive pro-  
4                   gram year, the Secretary shall conduct a na-  
5                   tional competition to award, for the first full  
6                   program year following the determination  
7                   (minimizing, to the extent possible, the disrup-  
8                   tion of services provided to enrollees), an  
9                   amount equal to 25 percent of the funds award-  
10                  ed to the grantee for such year.

11                  “(D) COMPETITION AFTER THIRD CON-

12                  SECUTIVE YEAR OF FAILURE.—If a grantee  
13                  fails to meet the national performance measures  
14                  for a third consecutive program year, the Sec-  
15                  retary shall conduct a national competition to  
16                  award the amount of the grant remaining after  
17                  deduction of the portion specified in subpara-  
18                  graph (C) for the first full program year fol-  
19                  lowing the determination. The eligible applicant  
20                  that receives the grant through the national  
21                  competition shall continue service to the geo-  
22                  graphic areas formerly served by the grantee  
23                  that previously received the grant.

1           “(3) COMPETITION REQUIREMENTS FOR PUBLIC  
2           AND PRIVATE NONPROFIT AGENCIES AND ORGANIZA-  
3           TIONS IN A STATE.—

4                   “(A) IN GENERAL.—In addition to the ac-  
5           tions required under paragraph (2), the Sec-  
6           retary shall take corrective action if the Sec-  
7           retary determines at the end of any program  
8           year that, despite meeting the established na-  
9           tional performance measures, a public or pri-  
10          vate nonprofit agency or organization that is a  
11          grantee has attained levels of performance 20  
12          percent or more below the national performance  
13          measures with respect to the project carried out  
14          in a State and has failed to meet the perform-  
15          ance measures as established by the Secretary  
16          for the State grantee in such State, and there  
17          are not factors, such as the factors described in  
18          section 513(a)(2)(B), or size of the project, that  
19          justify the performance.

20                   “(B) FIRST YEAR OF FAILURE.—After the  
21          first program year of failure to meet the per-  
22          formance criteria described in subparagraph  
23          (A), the Secretary shall require a corrective ac-  
24          tion plan, and may require the transfer of the  
25          responsibility for the project to other grantees,

1 provide technical assistance, and take other ap-  
2 propriate actions.

3 “(C) SECOND YEAR OF FAILURE.—After  
4 the second consecutive program year of failure  
5 to meet the performance criteria described in  
6 subparagraph (A), the corrective actions to be  
7 taken by the Secretary may include the transfer  
8 of the responsibility for a portion or all of the  
9 project to a State or public or private nonprofit  
10 agency or organization, or a competition for a  
11 portion or all of the funds to carry out such  
12 project among all eligible entities that meet the  
13 responsibility tests under section 514(d) except  
14 for the grantee that is the subject of the correc-  
15 tive action.

16 “(D) THIRD YEAR OF FAILURE.—After the  
17 third consecutive program year of failure to  
18 meet the performance criteria described in sub-  
19 paragraph (A), the corrective action to be taken  
20 by the Secretary shall conduct a competition for  
21 the funds to carry out such project among all  
22 eligible entities that meet the responsibility  
23 tests under section 514(d) except for the grant-  
24 ee that is the subject of the corrective action.

1           “(4) REQUEST BY GOVERNOR.—Upon the re-  
2       quest of the Governor of a State for a review of the  
3       performance of a national grantee within the State,  
4       the Secretary shall undertake such a review in ac-  
5       cordance with the criteria described in subparagraph  
6       (A). If the performance of such grantee is not justi-  
7       fied under such criteria, the Secretary shall take cor-  
8       rective action in accordance with this paragraph.

9           “(f) PERFORMANCE MEASURES AND COMPETITION  
10      FOR STATES.—

11           “(1) IN GENERAL.—Not later than 120 days  
12      after the end of the program year, the Secretary  
13      shall determine if a State grantee has met the per-  
14      formance measures established pursuant to section  
15      513(a)(4).

16           “(2) CORRECTIVE ACTION PLAN.—If a State  
17      that receives a grant fails to meet the performance  
18      measures for a program year, the Secretary shall  
19      provide technical assistance and require the State to  
20      submit a corrective action plan not later than 160  
21      days after the end of the program year.

22           “(3) CONTENT.—The plan described in para-  
23      graph (2) shall detail the steps the State will take  
24      to meet the standards.

1           “(4) FAILURE TO MEET PERFORMANCE MEAS-  
2           URES FOR SECOND AND THIRD YEARS.—

3           “(A) AFTER SECOND YEAR OF FAILURE.—

4           If a State fails to meet the performance meas-  
5           ures for a second consecutive program year, the  
6           Secretary shall provide for the conduct by the  
7           State of a competition to award, for the first  
8           full program year following the determination  
9           (minimizing, to the extent possible, the disrup-  
10          tion of services provided to enrollees), an  
11          amount equal to 25 percent of the funds avail-  
12          able to the State for such year.

13          “(B) AFTER THIRD YEAR OF FAILURE.—If  
14          the State fails to meet the performance meas-  
15          ures for a third consecutive program year, the  
16          Secretary shall provide for the conduct by the  
17          State of a competition for the funds allocated to  
18          the State for the first full program year fol-  
19          lowing the Secretary’s determination that the  
20          State has not met the performance measures.

21   **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

22          “(a) There is authorized to be appropriated to carry  
23          out this title—

1           “(1) \$500,000,000 for fiscal year 2001 and  
2       such sums as may be necessary for fiscal year 2002  
3       through 2005; and

4           “(2) such additional sums as may be necessary  
5       for each such fiscal year to enable the Secretary,  
6       through programs under this title, to provide for at  
7       least 70,000 part-time employment positions for eli-  
8       gible individuals.

9       For purposes of paragraph (2), ‘part-time employment po-  
10      sition’ means an employment position within a workweek  
11      of at least 20 hours.

12       “(b) Amounts appropriated under this section for any  
13      fiscal year shall be available for obligation during the an-  
14      nual period which begins on July 1 of the calendar year  
15      immediately following the beginning of such fiscal year  
16      and which ends on June 30 of the following calendar year.  
17      The Secretary may extend the period during which such  
18      amounts may be obligated or expended in the case of a  
19      particular organization or agency receiving funds under  
20      this title if the Secretary determines that such extension  
21      is necessary to ensure the effective use of such funds by  
22      such organization or agency.

23       “(c) At the end of the program year, the Secretary  
24      may recapture any unexpended funds for the program

1 year, and reobligate such funds within the 2 succeeding  
2 program years for—

3 “(1) incentive grants;

4 “(2) technical assistance; or

5 “(3) grants or contracts for any other program  
6 under this title.

7 **“SEC. 516. DEFINITIONS.**

8 “In this title:

9 “(1) COMMUNITY SERVICE.—The term ‘commu-  
10 nity service’ means social, health, welfare, and edu-  
11 cational services (including literacy tutoring), legal  
12 and other counseling services and assistance, includ-  
13 ing tax counseling and assistance and financial  
14 counseling, and library, recreational, and other simi-  
15 lar services; conservation, maintenance, or restora-  
16 tion of natural resources; community betterment or  
17 beautification; antipollution and environmental qual-  
18 ity efforts; weatherization activities; economic devel-  
19 opment; and such other services essential and nec-  
20 essary to the community as the Secretary, by regula-  
21 tion, may prescribe.

22 “(2) ELIGIBLE INDIVIDUALS.—The term ‘eligi-  
23 ble individuals’ means an individual who is 55 years  
24 old or older, who has a low income (including any  
25 such individual whose income is not more than 125

1       percent of the poverty guidelines established by the  
2       Office of Management and Budget), except that,  
3       pursuant to regulations prescribed by the Secretary,  
4       any such individual who is 60 years old or older  
5       shall have priority for the work opportunities pro-  
6       vided for under this title.

7               “(3) PACIFIC ISLAND AND ASIAN AMERI-  
8       CANS.—The term ‘Pacific Island and Asian Ameri-  
9       cans’ means Americans having origins in any of the  
10      original peoples of the Far East, Southeast Asia, the  
11      Indian Subcontinent, or the Pacific Islands.

12              “(4) PROGRAM.—The term ‘program’ means  
13      the older American community service employment  
14      program established under this title.”.

15   **TITLE VI—AMENDMENTS TO**  
16   **TITLE VI OF THE OLDER**  
17   **AMERICANS ACT OF 1965**

18   **SEC. 601. ELIGIBILITY.**

19       Section 612 of the Older Americans Act of 1965 (42  
20   U.S.C. 3057c) is amended—

21              (1) by redesignating subsection (b) as sub-  
22      section (c); and

23              (2) by inserting after subsection (a) the fol-  
24      lowing:

1 “(b) An Indian tribe represented by an organization  
2 specified in subsection (a) shall be eligible for only 1 grant  
3 under this part for any fiscal year. Nothing in this sub-  
4 section shall preclude an Indian tribe represented by an  
5 organization specified in subsection (a) from receiving a  
6 grant under section 631.”.

7 **SEC. 602. APPLICATIONS.**

8 Section 614 of the Older Americans Act of 1965 (42  
9 U.S.C. 3057e) is amended—

10 (1) in subsection (b), by striking “certification”  
11 and inserting “approval”; and

12 (2) in subsection (c)—

13 (A) by inserting “(1)” after “(c)”; and

14 (B) by adding at the end the following:

15 “(2) The Assistant Secretary shall provide waivers  
16 and exemptions of the reporting requirements of sub-  
17 section (a)(3) for applicants that serve Indian populations  
18 in geographically isolated areas, or applicants that serve  
19 small Indian populations, where the small scale of the  
20 project, the nature of the applicant, or other factors make  
21 the reporting requirements unreasonable under the cir-  
22 cumstances. The Assistant Secretary shall consult with  
23 such applicants in establishing appropriate waivers and  
24 exemptions.

1       “(3) The Assistant Secretary shall approve any appli-  
2 cation that complies with the provisions of subsection (a),  
3 except that in determining whether an application com-  
4 plies with the requirements of subsection (a)(8), the As-  
5 sistant Secretary shall provide maximum flexibility to an  
6 applicant that seeks to take into account subsistence  
7 needs, local customs, and other characteristics that are ap-  
8 propriate to the unique cultural, regional, and geographic  
9 needs of the Indian populations to be served.

10       “(4) In determining whether an application complies  
11 with the requirements of subsection (a)(12), the Assistant  
12 Secretary shall require only that an applicant provide an  
13 appropriate narrative description of the geographic area  
14 to be served and an assurance that procedures will be  
15 adopted to ensure against duplicate services being pro-  
16 vided to the same recipients.”.

17 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

18       Section 633 of the Older Americans Act of 1965 (42  
19 U.S.C. 3057n) is amended to read as follows:

20 **“SEC. 633. AUTHORIZATION OF APPROPRIATIONS.**

21       “There are authorized to be appropriated to carry out  
22 this title—

23               “(1) for parts A and B, \$30,000,000 for fiscal  
24       year 2001, and such sums as may be necessary for  
25       subsequent fiscal years; and

1           “(2) for part C, \$5,000,000 for fiscal year  
2           2001, and such sums as may be necessary for subse-  
3           quent fiscal years.”.

4   **SEC. 604. GENERAL PROVISIONS.**

5           Title VI of the Older Americans Act of 1965 (42  
6   U.S.C. 3057 et seq.) is amended—

7           (1) by redesignating part C as part D;

8           (2) by redesignating sections 631 through 633  
9           as sections 641 through 643, respectively;

10          (3) by inserting after part B the following:

11       **“PART C—NATIVE AMERICAN CAREGIVER**

12                   **SUPPORT PROGRAM**

13   **“SEC. 631. PROGRAM.**

14       “(a) IN GENERAL.—The Assistant Secretary shall  
15   carry out a program for making grants to tribal organiza-  
16   tions with applications approved under parts A and B, to  
17   pay for the Federal share of carrying out tribal programs,  
18   to enable the tribal organizations to provide multifaceted  
19   systems of the support services described in section 373  
20   for caregivers described in section 373.

21       “(b) REQUIREMENTS.—In providing services under  
22   subsection (a), a tribal organization shall meet the re-  
23   quirements specified for an area agency on aging and for  
24   a State in the provisions of subsections (c), (d), and (e)  
25   of section 373 and of section 374. For purposes of this

1 subsection, references in such provisions to a State pro-  
2 gram shall be considered to be references to a tribal pro-  
3 gram under this part.”.

4 **TITLE VII—AMENDMENTS TO**  
5 **TITLE VII OF THE OLDER**  
6 **AMERICANS ACT OF 1965**

7 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 702 of the Older Americans Act of 1965 (42  
9 U.S.C. 3058a) is amended to read as follows:

10 **“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) OMBUDSMAN PROGRAM.—There are authorized  
12 to be appropriated to carry out chapter 2, \$40,000,000  
13 for fiscal year 2001, and such sums as may be necessary  
14 for subsequent fiscal years.

15 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND  
16 EXPLOITATION.—There are authorized to be appropriated  
17 to carry out chapter 3, \$15,000,000 for fiscal year 2001,  
18 and such sums as may be necessary for subsequent fiscal  
19 years.

20 “(c) LEGAL ASSISTANCE DEVELOPMENT PRO-  
21 GRAM.—There are authorized to be appropriated to carry  
22 out chapter 4, \$10,000,000 for fiscal year 2001, and such  
23 sums as may be necessary for subsequent fiscal years.

1 **SEC. 702. ALLOTMENT.**

2 Section 703(a)(2)(C) of the Older Americans Act of  
3 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking  
4 “1991” each place it appears and inserting “2000”.

5 **SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.**

6 Section 705(a) of the Older Americans Act of 1965  
7 (42 U.S.C. 3058d(a)) is amended—

8 (1) in paragraph (4), by inserting “each of”  
9 after “carry out”;

10 (2) in paragraph (6)(C)(iii), by striking the  
11 semicolon and inserting “; and”;

12 (3) by striking paragraph (7);

13 (4) by redesignating paragraph (8) as para-  
14 graph (7); and

15 (5) in paragraph (7) (as redesignated by para-  
16 graph (3)), by striking “paragraphs (1) through  
17 (7)” and inserting “paragraphs (1) through (6)”.

18 **SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

19 Section 712 of the Older Americans Act of 1965 (42  
20 U.S.C. 3058g) is amended—

21 (1) in subsection (a), in paragraph (5)(C)(ii),  
22 by inserting “and not stand to gain financially  
23 through an action or potential action brought on be-  
24 half of individuals the Ombudsman serves” after  
25 “interest”; and

26 (2) in subsection (h)—

1 (A) in paragraph (4)—

2 (i) in subparagraph (A)—

3 (I) by striking “(A) not later  
4 than 1 year after the date of enact-  
5 ment of this title, establish” and in-  
6 serting “strengthen and update”; and

7 (II) in clause (iii), by striking  
8 “and”;

9 (ii) by striking subparagraph (B);

10 (iii) by redesignating clauses (i)  
11 through (iii) as subparagraphs (A) through  
12 (C), respectively; and

13 (iv) by redesignating subclauses (I)  
14 through (III) as clauses (i) through (iii),  
15 respectively;

16 (B) in paragraph (7), by striking “; and”  
17 and inserting a semicolon;

18 (C) by redesignating paragraph (8) as  
19 paragraph (9); and

20 (D) by inserting after paragraph (7) the  
21 following:

22 “(8) coordinate services with State and local  
23 law enforcement agencies and courts of competent  
24 jurisdiction; and”.

1 **SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND**  
2 **EXPLOITATION.**

3 Section 721 of the Older Americans Act of 1965 (42  
4 U.S.C. 3058i) is amended—

5 (1) in subsection (b)—

6 (A) in the matter preceding paragraph (1),  
7 by inserting “(including financial exploitation)”  
8 after “exploitation”;

9 (B) in paragraph (2), by inserting “, State  
10 and local law enforcement systems, and courts  
11 of competent jurisdiction” after “service pro-  
12 gram”; and

13 (C) in paragraph (5), by inserting “includ-  
14 ing caregivers described in part E of title III,”  
15 after “individuals,”; and

16 (2) in subsection (d)(8)—

17 (A) by inserting “State and local” after  
18 “consumer protection and”; and

19 (B) by inserting “, and services provided  
20 by agencies and courts of competent jurisdic-  
21 tion” before the period.

22 **SEC. 706. ASSISTANCE PROGRAMS.**

23 Subtitle A of title VII of the Older Americans Act  
24 of 1965 (42 U.S.C 3058 et seq.) is amended by repealing  
25 chapters 4 and 5 and inserting the following:

1   **“CHAPTER 4—STATE LEGAL ASSISTANCE**  
2                   **DEVELOPMENT PROGRAM**

3   **“SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

4           “A State agency shall provide the services of an indi-  
5   vidual who shall be known as a State legal assistance de-  
6   veloper, and the services of other personnel, sufficient to  
7   ensure—

8           “(1) State leadership in securing and maintain-  
9   ing the legal rights of older individuals;

10          “(2) State capacity for coordinating the provi-  
11   sion of legal assistance;

12          “(3) State capacity to provide technical assist-  
13   ance, training, and other supportive functions to  
14   area agencies on aging, legal assistance providers,  
15   ombudsmen, and other persons, as appropriate;

16          “(4) State capacity to promote financial man-  
17   agement services to older individuals at risk of con-  
18   servatorship;

19          “(5) State capacity to assist older individuals in  
20   understanding their rights, exercising choices, bene-  
21   fitting from services and opportunities authorized by  
22   law, and maintaining the rights of older individuals  
23   at risk of guardianship; and

1           “(6) State capacity to improve the quality and  
2           quantity of legal services provided to older individ-  
3           uals.”.

4   **SEC. 707. NATIVE AMERICAN PROGRAMS.**

5           Section 751(d) of the Older Americans Act of 1965  
6   (42 U.S.C. 3058aa(d)) is amended to read as follows:

7           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
8   are authorized to be appropriated to carry out this section  
9   \$5,000,000 for fiscal year 2001, and such sums as may  
10   be necessary for subsequent fiscal years.”.

11       **TITLE VIII—TECHNICAL AND**  
12       **CONFORMING AMENDMENTS**

13   **SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.**

14           (a) TITLE I.—Section 102(34)(C) of the Older Amer-  
15   icans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended  
16   by striking “307(a)(12)” and inserting “307(a)(9)”.

17           (b) TITLE II.—

18               (1) Section 201(d)(3) of the Older Americans  
19   Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

20                   (A) in subparagraph (C)(ii), by striking  
21                   “307(a)(12)” and inserting “307(a)(9)”; and

22                   (B) in subparagraph (J), by striking  
23                   “307(a)(12)” and inserting “307(a)(9)”.

24               (2) Section 202 of the Older Americans Act of  
25   1965 (42 U.S.C. 3012) is amended—

1 (A) in subsection (a)—

2 (i) in paragraph (19)(C), by striking  
3 “paragraphs (2) and (5)(A) of section  
4 306(a)” and inserting “paragraphs (2) and  
5 (4)(A) of section 306(a)”;

6 (ii) in paragraph (26), by striking  
7 “sections 307(a)(18) and 731(b)(2)” and  
8 inserting “section 307(a)(13)”; and

9 (iii) in paragraph (30), by striking  
10 “and title IV” and inserting “and part F  
11 of title III”;

12 (B) in subsection (c)—

13 (i) in paragraph (1), by striking  
14 “(c)(1)” and inserting “(c)”; and

15 (ii) by striking paragraph (2); and

16 (C) in subsection (e)(1)(A)—

17 (i) in clause (i), by striking “edu-  
18 cation and training projects established  
19 under part A, and research and dem-  
20 onstration projects, and other activities, es-  
21 tablished under part B, of title IV” and in-  
22 serting “activities carried out under part F  
23 of title III”; and

24 (ii) in clause (iv), by striking “, and  
25 the information provided by the Resource

1 Centers on Native American Elders under  
2 section 429E”.

3 (3) Section 205(a)(2)(A) of the Older Ameri-  
4 cans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is  
5 amended by striking “subparts 1, 2, and 3” and in-  
6 serting “subparts 1 and 2”.

7 (4) Section 206 of the Older Americans Act of  
8 1965 (42 U.S.C. 3017) is amended—

9 (A) in subsection (b), by striking “title IV  
10 of this Act” and inserting “part F of title III”;  
11 and

12 (B) in subsection (g) (as redesignated by  
13 section 203(2)), by striking “title IV” and in-  
14 serting “part F of title III”.

15 (5) Section 207(a) of the Older Americans Act  
16 of 1965 (42 U.S.C. 3018(a)) is amended—

17 (A) by striking paragraph (3); and

18 (B) by redesignating paragraphs (4) and  
19 (5) as paragraphs (3) and (4), respectively.

20 (6) Section 214 of the Older Americans Act of  
21 1965 (42 U.S.C. 3020e) is amended by striking  
22 “307(a)(13)(J)” and inserting “307(a)(10)(J)”.

23 (c) TITLE III.—

1           (1) Section 301(c) of the Older Americans Act  
2           of 1965 (42 U.S.C. 3021(c)) is amended by striking  
3           “307(a)(12)” and inserting “307(a)(9)”.

4           (2) Section 304 of the Older Americans Act of  
5           1965 (42 U.S.C. 3024) is amended—

6                   (A) in subsection (d)(1)(B), by striking  
7                   “307(a)(12)” and inserting “307(a)(9)”; and

8                   (B) by striking subsection (e).

9           (3) Section 305(a)(2)(F) of the Older Ameri-  
10          cans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is  
11          amended by striking “307(a)(24)” and inserting  
12          “307(a)(16)”.

13          (4) Section 307 of the Older Americans Act of  
14          1965 (42 U.S.C. 3027) is amended—

15                   (A) in subsection (a), in paragraph (22)  
16                   (as redesignated by section 305(19)), by strik-  
17                   ing “306(a)(20)” and inserting “306(a)(8)”;  
18                   and

19                   (B) in subsection (f)—

20                           (i) in paragraph (1), by striking  
21                           “(f)(1)” and inserting “(f)”; and

22                           (ii) by striking paragraph (2).

23          (5) Section 308(b)(4)(A) of the Older Ameri-  
24          cans Act of 1965 (42 U.S.C. 3028(b)(4)(A)) is

1 amended by striking “307(a)(13)” and inserting  
2 “307(a)(10)”.

3 (6) Section 310 of the Older Americans Act of  
4 1965 (42 U.S.C. 3030) is amended by striking “title  
5 IV” each place it appears and inserting “part F”.

6 (7) Section 321(a)(15) of the Older Americans  
7 Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended  
8 by striking “section 307(a)(16)” and inserting “sec-  
9 tion 307(a)(12)”.

10 (d) TITLE VI.—Section 614(a) of the Older Ameri-  
11 cans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

12 (1) by striking paragraph (9); and

13 (2) by redesignating paragraphs (10) through  
14 (12) as paragraphs (9) through (11), respectively.

15 (e) TITLE VII.—

16 (1) Section 703(a)(2)(C) of the Older Ameri-  
17 cans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is  
18 amended—

19 (A) in clause (i), by striking “section  
20 702(a)” and inserting “section 702 and made  
21 available to carry out chapter 2”; and

22 (B) in clause (ii), by striking “section  
23 702(b)” and inserting “section 702 and made  
24 available to carry out chapter 3”.

1           (2) Section 712(a)(1) of the Older Americans  
2 Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by  
3 striking “section 702(a)” and inserting “section 702  
4 and made available to carry out this chapter”.

5           (3) Section 721(a) of the Older Americans Act  
6 of 1965 (42 U.S.C. 3058i(a)) is amended by striking  
7 “section 702(b)” and inserting “section 702 and  
8 made available to carry out this chapter”.

9           (4) Section 761(2) of the Older Americans Act  
10 of 1965 (42 U.S.C. 3058bb(2)) is amended by strik-  
11 ing “chapter 2, 3, 4, or 5 of this title” and inserting  
12 “subtitle A”.

13           (5) Section 762 of the Older Americans Act of  
14 1965 (42 U.S.C. 3058cc) is amended, in the matter  
15 preceding paragraph (1), by striking “or an entity  
16 described in section 751(c)”.

17           (6) Section 764(b) of the Older Americans Act  
18 of 1965 (42 U.S.C. 3058ee(b)) is amended by strik-  
19 ing “, area agencies on aging, and entities described  
20 in section 751(c)” and inserting “and area agencies  
21 on aging”.